CONDEMNED TO REPEAT?:
THE PARADOXES OF HUMANITARIAN ACTION

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ABSTRACT

From mid-1994 to late-1996, the Rwandan refugee camps in Zaire harboured a defeated regime responsible for genocide. While assisting refugees, humanitarian action strengthened the extremists, and the refugee camps were attacked by their opponents. Thus the system established to protect refugees became the source of their peril. This thesis explores questions raised by the Rwandan refugee crisis about the negative consequences of humanitarian action and the role of refugee camps in war.

The use of refugee camps by combatants has been a widespread feature of the contemporary refugee regime, yet has received scant attention as a phenomenon. This thesis examines four cases in which it occurred: the Afghan refugee camps in Pakistan, the Salvadoran and Nicaraguan camps in Honduras, the Cambodian camps in Thailand, and the Rwandan refugee camps in Zaire. It seeks to demonstrate the mechanisms by which humanitarian action in refugee camps assists insurgents in their struggle against the refugee-generating state, and to assess the relative importance of the contribution of humanitarian assistance vis-à-vis other types of support the combatants received. Humanitarian action is increasingly accused of prolonging conflict, yet such claims are rarely substantiated through assessments of other resources available to belligerents.

In each case the thesis explores the attitudes of the aid organisations to the use of the camps by combatants. It assesses the degree of knowledge the aid organisations acquired about the misuse of humanitarian assistance, and highlights their views on this. The dissertation investigates why the paradoxes of aid recur and persist in spite of the knowledge attained in the past.

The thesis challenges many of the prevailing assumptions about the role and nature of humanitarian action. It demonstrates that humanitarian action is imbued with an inherent paradox and will inevitably generate negative effects. It suggests that tenets of the international aid regime and the institutional behaviour of aid organisations exacerbate these negative effects, and might actually prolong the suffering that they are committed to relieving.

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ABBREVIATIONS

AFDL	*Alliance des Forces Démocratique pour la Libération* (de Congo) Alliance of Democratic Forces for Liberation (of Congo)
AICF	*Action International Contre la Faim*
ALIR	*Armée de Libération du Rwanda* (Rwandan Liberation Army)
AJRE	*Association des Journalistes Rwandais en Exil* (The Association of Rwandan Journalists in Exile)
ALNAP	Active Learning Network on Accountability and Performance in Humanitarian Assistance
ANC	African National Congress
ASEAN	Association of South-East Asian Nations
AusAID	Australian Agency for International Development
CGDK	Coalition Government of Democratic Kampuchea
CIA	Central Intelligence Agency of the United States Government
CRS	Catholic Relief Services
CZSC	*Contingent zairois de securité dans les camps* (Zairean Contingent for Security in the Camps)
DAC	Development Assistance Committee (of the Organisation for Economic Co-operation and Development)
DK	Democratic Kampuchea
DoD	Department of Defense (of the United States Government)
DPKO	Department of Peacekeeping Operations (of the United Nations)
DRC	Democratic Republic of Congo
DSL	Defence Systems Limited
ECHO	European Community Humanitarian Office
ECOMOG	Economic Community of West Africa Monitoring Group
EPLF	Eritrean People's Liberation Front
EU	European Union

FAR	*Forces Armées Rwandaises* (Rwandan Armed Forces)
FDR	*Front Démocratique Rwandais* (Rwandan Democratic Front)
FMLN	*Frente Farabundo Martí para la Liberación Nacional* (Farabundo Martí National Liberation Front)
FOA	Friends of the Americas
Frelimo	*Frente Libertacao Mocambicana* (Mozambique Liberation Front)
FSLN	*Frente Sandinista de Liberación Nacional* (Sandinista National Liberation Front)
FUNCINPEC	*Front uni National pour un Cambodge indépendent, neutre, pacifique et coopératif* (United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia)
GAO	General Accounting Office of the United States Government
HRFOR	United Nations Human Rights Field Operation in Rwanda
ICJ	International Court of Justice
ICVA	International Council of Voluntary Agencies
ICRC	International Committee of the Red Cross
ICTR	International Criminal Tribunal for Rwanda
IDP	Internally displaced person
IFRCRC	International Federation of Red Cross and Red Crescent Societies
IRC	International Refugee Committee
ISI	Inter-services Intelligence Directorate (of the Pakistani military)
KLA	Kosovo Liberation Army
KPNLF	Khmer People's National Liberation Front
MSF	*Médecins sans Frontières*
MRND	*Mouvement révolutionnaire national pour le développement et la démocratie* National Revolutionary Movement for Development and Democracy

NATO	North Atlantic Treaty Organisation
NGO	Non-government organisation
NPFL	National Patriotic Front of Liberia
NSC	National Security Council of the United States Government
NWFP	Northwest Frontier Province (of Pakistan)
OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OLS	Operation Lifeline Sudan
PLO	Palestine Liberation Organisation
PVO	Private Voluntary Organisation
RDR	*Le Rassemblement pour le Retour et la Démocratie au Rwanda* (Rally for the Return and Democracy in Rwanda)
Renamo	*Resistencia Nacional Mocambicana* (Mozambique National Resistance)
RPA	Rwandan Patriotic Army
RPF	Rwandan Patriotic Front
RTLM	*Radio-télévision libre des mille collines*
SAF	Salvadoran Armed Forces
SPLA	Sudan People's Liberation Movement
SRRA	Sudan Relief and Rehabilitation Agency
TPLF	Tigrayan People's Liberation Front
UN	United Nations
UNAMIR	United Nations Assistance Mission for Rwanda
UNITA	*União Nacional para a Independência Total de Angola* (National Union for the Total Independence of Angola)
UNBRO	United Nations Border Relief Operation
UNHCR	United Nations High Commissioner for Refugees

UNICEF	United Nations Children's Fund
UNPROFOR	United Nations Protection Force (in the former Yugoslavia)
US	United States
USAID	United States Agency for International Development
USCWF	United States Council for World Freedom
USSR	Union of Soviet Socialist Republics
WFP	World Food Programme

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INTRODUCTION

In October 1996, Zairean rebels and their Rwandan army allies attacked Rwandan refugee camps in Eastern Zaire.

> It was during the day, around 3 p.m. We heard gunfire, two shots far from us, and we were afraid it was the start of an operation. We took the possessions we could carry and fled... in the meantime, the soldiers encircled the group left in the forest with the children and took them away to massacre them, even the babies... Every time refugees erected camps, others [soldiers] would come and destroy them. There was a little camp near Kibumba where I found many dead. The Banyamulenge destroyed all the camps to disperse the refugees. All the dead [in Kibumba] had been shot.[1]

Narcisse was a Rwandan refugee who fled the northern camps with 700,000 of his compatriots. Pursued by soldiers, they hid in the forest but Narcisse's wife, like tens of thousands of others, was caught and killed. For the previous two years they had lived under the auspices of the United Nations (UN), receiving humanitarian assistance and protection under international law. Yet neither ultimately saved them.

Those who destroyed the refugee camps justified their act as self-defence: remnants of the Rwandan regime responsible for the 1994 genocide were using them as a base from which to launch raids into Rwanda. The Rwandan Government warned they would disperse the camps if the international community took no action, yet the UN and its member states remained impassive. The system established to protect the refugees became the source of their peril.

Many questions raised by the Rwandan refugee crisis are at the heart of this inquiry. Why did refugee camps harbour a defeated army and others suspected of crimes against humanity? How did refugee camps and humanitarian aid contribute to the war? What did the UN, donor governments and aid organisations know of the misuse of the camps? What were their attitudes towards this? Why did such an outcome occur?

The Rwandan crisis marked a turning point in the post-Cold War international relief system.[2] First the failure of the UN and its member states to stop the genocide eroded the last vestiges of optimism held by the aid community in a new 'humanitarian' world

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1 *Zaire. "Attacked by All Sides": Civilians and the War in Eastern Zaire* (New York and Paris: Human Rights Watch Africa/Fédération des Droits de l'Homme Vol. 9, No. 1 (A), March 1997), p. 9.

order. Then humanitarian action became the subject of unprecedented criticism as the perverse side-effects of humanitarian relief in the refugee camps became conspicuous. The Rwandan crisis has emerged as the symbol of the failure of the international system to mitigate the humanitarian consequences of political crises, and is the archetype invoked in contemporary critiques and discussions of humanitarian action. Posing dilemmas to aid agencies and donor governments, and the subject of the most comprehensive evaluation of an international 'humanitarian' response,[2] the Rwandan crisis has spawned widespread introspection by aid agencies and attention in the academic literature.

Yet for all this attention, the questions raised above remain, for the most part, unanswered. None of the existing literature in the areas of international relations, refugee studies, humanitarian affairs or peacekeeping provides a comprehensive explanation of how, why, and to what extent refugee camps and humanitarian aid become embroiled in conflict, and the implications for the refugees and humanitarian actors operating therein. Writings within each field of inquiry offer insights into aspects of the problem, but these have not been integrated into a broad and historical analysis to facilitate deeper understanding of the issues. This thesis contributes to filling this void.

This study explores the questions posed by the Rwandan crisis within the broader context of humanitarian action and the negative consequences that it can generate. The profound paradox of humanitarian action is its potential to contradict its fundamental purpose: it can prolong the suffering it intends to alleviate. This is particularly the case in times of conflict. Humanitarian assistance has been held responsible for fuelling conflicts or protracting their duration from the Biafran secessionist conflict in the late

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[2] This term is borrowed from John Borton, 'Recent Changes in the International Relief System', *Disasters* 17, No. 3 (1993): 187-201.

[3] The five volume, multi-donor evaluation of the International Response to the Rwandan crisis, published in 1996 was 'an unprecedented international collaboration' according to the Head of the Evaluation, Niels Dabelstein. It was overseen by a Steering Committee composed of 19 representatives of the aid community, and cost $1.6 million (all dollars are US unless otherwise stated). See David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996); Niels Dabelstein, 'Evaluating the International Humanitarian System: Rationale, Process and Management of the Joint Evaluation of the International Response to Genocide', *Disasters* 20, No. 4 (1996): 287-294 at p. 287. In 1999 the UN also commissioned a report into its actions during the genocide. Ingvar Carlsson, Han Sung-Joo and Rufus M. Kupolati, *Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda* (New York, 15 December 1999). http://www.un.org/News/ossg/rwanda_report.htm.

Note: Millwood was the copyeditor, not the editor. The series had no editor - this is the publisher's mistake.

1960s to the wars in the former Yugoslavia and the Sudan in the 1990s. Yet such claims predominantly rest on the *potential* for aid to prolong conflict; they are rarely substantiated by assessments of the impact of humanitarian aid in relation to other political, economic and military resources available to belligerents.[4]

The aim of this thesis is to demonstrate that the unintended negative consequences of humanitarian aid persist and recur, and to explore the reasons why. This inquiry comprises three elements. First, it examines how humanitarian assistance becomes a political and economic resource for combatants. Second, it assesses the relative importance of humanitarian assistance to these combatant forces vis-à-vis the other types of support that they receive. Finally, and most importantly, this study explores the reasons why the paradoxes of aid persist and recur in spite of the knowledge that aid organisations acquire of them.

In addressing these interrelated questions, this study examines the 'side-effects' of humanitarian action from the perspective of combatants, aid organisations, and their respective sponsors. By situating humanitarian action within the broader political and military context, the study endeavours to avoid either exaggerating or diminishing the significance of aid to the war effort of belligerents, and to identify the circumstances in which aid might be said to prolong conflict. The study analyses the attitudes of aid organisations towards the unintended consequences of their actions, which in turn illuminates some of the reasons why the paradoxes of aid persist. The thesis argues that negative consequences are inherent in humanitarian action, but are exacerbated by the institutionalist logic that underpins the behaviour of aid organisations. It argues that there are institutional barriers to learning that help to explain the persistence of the paradoxes of humanitarian action over a range of cases surveyed, and therefore requires a particular response by aid organisations.

This inquiry is undertaken in refugee camp settings for several reasons. As a regular feature of the international relief system for the past thirty years, they offer a relatively constant environment in which to examine the recurrence of the negative consequences of humanitarian action. Norms of state sovereignty predominantly relegated aid organisations to refugee camps on the periphery of conflicts during the Cold War (1946-

[4] For a recent example see Edward N. Luttwak, 'Give War a Chance', *Foreign Affairs* 78, No. 4

1989),[5] an area that multiplied during the late 1970s as the number of refugees fleeing repression and violence increased dramatically.[6] Many of the techniques employed by aid organisations to respond to the needs of displaced and dispossessed populations were developed in refugee camps, and their duration - decades in the case of Palestinian and Afghan refugee camps – constitutes one of the few constants of the humanitarian domain. Refugee camps are obviously also the most pertinent context in which to address the questions raised above in connection with the Rwandan case. This study sheds light on how refugee camps, as one component of the field of humanitarian action, can be of benefit to combatants and hence can be implicated in the suffering that humanitarian action aims to relieve.

An investigation of the negative consequences of aid is also pertinent to the broader humanitarian field. This study focuses on four of the paradoxes of humanitarian action. The first is the protective functions of refugee camps and other 'protected zones' for combatants. The second is the contribution of aid to the economy of war. The third is the legitimacy that humanitarian action can accord to individuals, political causes or movements. The fourth is the role of humanitarian action in the control of populations. Each will be examined in detail in Chapter 1.

This introductory chapter illustrates the scope and importance of the issues addressed by this study, and situates it within the existing literature on refugee studies and humanitarian affairs. It then outlines some of the fundamental concepts, structures and actors of the international aid system. The introduction concludes with a discussion of the method of inquiry and the case studies chosen for analysis, and the procedure that the thesis follows.

(1999): 36-44, esp. pp. 41-44.

5 The end of the Cold War can be signified by one of three events: the collapse of the Berlin Wall in 1989; German reunification in 1990; and the dissolution of the Soviet Union in 1991. According to one author, the most conventional designation is 1989. See 'Introduction', in Paul F. Diehl (ed.) *The Politics of Global Governance: International Organizations in an Interdependent World* (Boulder: Lynne Rienner, 1997), pp. 1-6 at p. 3.

6 The number of refugees recognised by UNHCR grew from fewer than 3 million in 1975 to approximately 10 million in 1982, and reached a peak of nearly 20 million by 1993. UNHCR, *The State of the World's Refugees 1995* (Oxford: Oxford University Press, 1995), p. 20.

1. Refugee Camps, Humanitarian Action and War

This inquiry is located within refugee studies and the burgeoning literature on humanitarian affairs, but it is also pertinent to international relations and peacekeeping. The use of refugee camps as *bases arrières* by combatants has direct implications for international and regional stability. It compounds the threat to regional harmony posed by refugee flows, and increases the stakes in relations between the governments of asylum countries and the refugee-generating state. It embroils the refugee population in the conflict, and poses practical and ethical problems for humanitarian aid organisations operating in the camps. Aristide Zolberg, Astri Suhrke and Sergio Aguayo coined the term 'refugee-warriors' to describe this phenomenon in their seminal study on the causes of refugee flows, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World.*[7]

Despite the threat that refugee-warriors pose to the 'international peace and security' that the UN is charged with maintaining,[8] the phenomenon has received scant attention in the international relations and peacekeeping literature.[9] This lacuna is particularly surprising in light of the continuing relevance of refugee-warriors and the sanctuaries provided by refugee camps in contemporary conflicts: the multinational force in East Timor in late 1999 faced its largest threat from militias sheltering among refugees in West Timor.

Refugee-warrior communities have been a widespread feature of the international arena for the past fifty years. The Palestinian refugees in the Middle East constituted the first

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[7] Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 275.

[8] The first purpose issued to the United Nations in Article 1 of the UN Charter is 'to maintain international peace and security'.

[9] The notable exceptions are the work of Myron Weiner and Gil Loescher on the security implications of international migration and refugee flows. For overviews of the broad strategic implications of refugee flows, of which refugee-warriors are only one aspect, see Myron Weiner, 'Introduction: Security, Stability and International Migration', in Myron Weiner (ed.), *International Migration and Security* (Boulder: Westview Press, 1993), pp. 1-35, and Gil Loescher, *Refugee Movements and International Security* (London: Adelphi Paper 268, IISS/Brassey's, 1992). Sporadic articles like that of Ben Barber have also appeared in international relations literature, but a survey of prominent works in the peacekeeping literature dealing with conflict, stability and intervention in the Third World, conducted by Howard Adelman, found that the issue is virtually ignored. Ben Barber, 'Feeding Refugees, or War? The Dilemma of Humanitarian Aid', *Foreign Affairs* 76, No. 4 (1997): 8-14; Howard Adelman, 'Why Refugee Warriors are Threats', *Journal of Conflict Studies* 18, No. 1 (1998): 49-69 at fn 11.

refugee-warrior community,[10] and one that still exists today. On the African continent, Tunisia and Morocco were host to the Algerian resistance opposing the French colonial government in the 1950s, and another early refugee-warrior community was formed among Tutsi refugees who fled post-independence violence in Rwanda, beginning in 1959. After some thirty years in exile, this community and their descendants successfully reinvaded Rwanda in 1994 under the banner of the Rwandan Patriotic Front,[11] with the ensuing refugee exodus providing the base for a new refugee-warrior community among their opponents. Burundian refugees in Tanzania also engaged in military activities against their home state, and Liberian refugees in Sierra Leone were suspected of assisting the National Patriotic Front of Liberia (NPFL).[12]

Eritrean insurgents opposing successive Ethiopian Governments operated elaborate bases in refugee camps in the Sudan throughout the 1960s, 1970s and 1980s, and Ethiopia was host to Sudanese refugees and rebels opposing Khartoum. The armed branch of the South-West African People's Organisation maintained bases beside Namibian refugee camps in Angola, and refugee camps in many of the 'front-line states' bordering South Africa provided recruitment grounds for the African National Congress (ANC) resistance. Algeria played host to refugees and Polisario guerrillas from Western Sahara; guerrillas from northern Chad mixed with refugees in Libya; and the Somali refugee camps in Kenya fulfilled some of the functions of a humanitarian sanctuary to a few of Somalia's warring factions in the early 1990s.

In Asia, refugees from East Pakistan were trained and equipped in refugee camps in India before their victorious return to form the state of Bangladesh in 1971, and Pakistan provided sanctuary to Afghan refugees and *mujahideen* opposing the Soviet-backed regime in Kabul. Refugee camps in Thailand provided sanctuary to rebels trained by the

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[10] Zolberg et al., *Escape from Violence*, p. 277. For more detailed discussion of the Palestinian refugee issue, see Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987).

[11] For a history of the Rwandan exile and armed insurgency see Théo Karabayinga and José Kagabo, 'Les Réfugiés, de l'Exil au Retour Armé', *Les Temps Modernes* 583 (July-August 1995): 63-90; Ogenga Otunnu, 'Rwandese Refugees and Immigrants in Uganda', in Howard Adelman and Astri Suhrke (eds), *The Path of a Genocide: The Rwandan Crisis from Uganda to Zaire* (New Brunswick: Transaction Publishers, 1999), pp. 3-29 and Ogenga Otunnu, 'An Historical Analysis of the Invasion by the Rwandan Patriotic Army (RPA)', in Adelman and Suhrke (eds) *The Path of a Genocide*, pp. 31-49; and *Exile from Rwanda: Background to an Invasion* (Washington: US Committee for Refugees, 1991).

US Central Intelligence Agency (CIA) from the Hmong hill tribes in Laos and to Cambodian opponents of the Vietnamese-installed regime in Phnom Penh. More recently, the Burmese refugee camps in Thailand have been attacked by the Rangoon-sponsored Democratic Karen (Kayin) Buddhist Army for allegedly assisting insurgents from the Karen National Liberation Army.[13] Refugee camps to the east of Papua New Guinea's border with the Indonesian province of Irian Jaya have also provided sporadic sanctuary to resistance fighters from the *Organisasi Papua Merdeka* (Free Papua Movement).[14]

In the Americas, Guatemalan camps were attacked in Mexico for allegedly harbouring insurgents, and Costa Rica housed Nicaraguan refugees and rebels. Honduras was also a compliant host to Nicaraguan *contras* fighting the Sandinista regime in Managua, but was a reluctant sanctuary for insurgents opposed to the US-backed regime in El Salvador.

Clearly the role of refugee camps in conflict is an important issue which warrants closer analysis due to its implications for stability, and for humanitarian action. Edward Luttwak's recent indictment of the role of humanitarian assistance in war, and his call for a reduction in humanitarian activity, was based largely on observations of the Palestinian, Cambodian and Rwandan refugee camps.[15] Such allegations feed into a larger debate in the humanitarian realm about the negative consequences of humanitarian action. Hence this study traverses the distinct yet overlapping fields of refugee studies and humanitarian affairs to shed light on the issues.

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12 Karen Jacobsen with Steven Wilkinson, 'Refugee Movements as Security Threats in Sub-Saharan Africa', in Myron Weiner (ed.), *International Migration and Security* (Boulder: Westview Press, 1993), pp. 201-227 at p. 214.

13 Hazel Lang, doctoral candidate in the Department of International Relations, Australian National University, writing on the Burmese refugees in Thailand. Personal communication, 11 August 1999.

14 See Alan Smith and Kevin Hewison, '1984: Refugees, "Holiday Camps" and Deaths', in R.J. May (ed.) *Between Two Nations: The Indonesia-Papua New Guinea Border and West Papua Nationalism* (Bathurst: Robert Brown & Associates, 1986), pp. 200-217, and Edward P. Wolfers, 'Foreword', in Edward P. Wolfers (ed.), *Beyond the Border: Indonesia and Papua New Guinea, Southeast Asia and the South Pacific* (Waigani and Suva: The University of Papua New Guinea Press and the Institute of Pacific Studies, University of the South Pacific, 1988), pp. 13-39.

15 Luttwak, 'Give War a Chance', pp. 41-44.

1.1 Refugees and Humanitarian Action

Of the vast literature covering political, legal and social aspects of refugee movements, asylum and protection,[16] the most concerted attention to the issue of refugee-warriors is found in the legal field. As the body responsible for refugee protection, the Office of the United Nations High Commissioner for Refugees (UNHCR) deliberated on the ramifications of refugee camps harbouring, or being suspected of harbouring, combatants following South African Defence Force attacks on refugee camps in neighbouring countries from the late 1970s, and the massacre of Palestinian refugees in the Sabra and Chatilla camps in Lebanon in September 1982. The Executive Committee of UNHCR addressed the issue between 1982 and 1987, debating the responsibility of states vis-à-vis their obligations to norms of refugee asylum and respect for state sovereignty.[17] The literature identifies the inadequacy of existing mechanisms to ensure the physical, as opposed to legal, protection of refugees, but does not address how refugee camps provide a support base for combatants, or the implications for humanitarian action.

The militarisation of refugee camps is raised elsewhere in the refugee literature as one of several implications of migration and refugee flows for security;[18] in relation to the instrumentation of refugees as 'freedom fighters' for foreign policy purposes during the Cold War;[19] or as one aspect of specific studies of the international response to refugee contexts. The Cambodian refugee camps in Thailand were the most scrutinised example

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[16] The refugee literature covers a vast array of works in the fields of legal analysis; historical and case studies; emergency assistance; politics and policies of asylum; the causes and consequences of refugee flows; and refugees and international politics. Some of the main works include: Guy Goodwin-Gill, *The Refugee in International Law* (Oxford: Oxford University Press, 1996); Gil Loescher and Laila Monahan (eds), *Refugees and International Relations* (Oxford: Oxford University Press, 1989); B.E. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford: Oxford University Press, 1986); Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993); Leon Gordenker, *Refugees in International Politics* (London: Croom Helm, 1987); UNHCR, *State of the World's Refugees 1993: The Challenge of Protection* (NY: Penguin, 1993); and Zolberg et al., *Escape from Violence*.

[17] See Elly-Elikunda Mtango, 'Military and Armed Attacks on Refugee Camps', in Gil Loescher and Laila Monahan (eds), *Refugees and International Relations* (Oxford: Oxford University Press, 1989), pp. 87-121, and M. Othman-Chande, 'International Law and Armed Attacks in Refugee Camps', *Nordic Journal Of International Law* 59, Nos 2&3 (1990): 153-177.

[18] See chapters in the edited volume by Myron Weiner, *International Migration and Security*, and Loescher, *Refugee Movements and International Security*.

[19] See, for example, Gil Loescher, 'Introduction: Refugee Issues in International Relations', in Gil Loescher and Laila Monahan (eds), *Refugees and International Relations* (Oxford: Oxford University Press, 1989), pp. 1-33 at pp. 13-15.

of the latter.[20] Although these studies contribute to illuminating how refugee camps and humanitarian aid can be manipulated by belligerent parties, and provide important background for this study, they do not examine wider aspects of the process.

The first work to address the broader issue of why and how refugee camps and the aid distributed therein become assets for guerrilla movements as humanitarian sanctuaries was Jean-Christophe Rufin's 1986 book, *Le Piège Humanitaire* (The Humanitarian Trap).[21] This was complemented by Zolberg, Suhrke and Aguayo's *Escape from Violence* in 1989. Both works identify the refugee-warrior phenomenon as a by-product of the simultaneous emergence of an effective international refugee regime with the rise of democratic nationalism. Humanitarian aid became a means through which to secure the legitimacy and support of civilians. Rufin's study, as the more developed of the two, provides some elements of the analytical framework for this thesis, linking the three main areas of interest: strategies of insurgency warfare; the legal status and administrative organisation of refugee camps; and the broader side-effects of humanitarian action. However, while providing a framework through which to examine the relationship between conflict, refugees and humanitarian action, Rufin does not explore the role and attitudes of the aid organisations in the process. This issue needs addressing to shed light on why refugee camps and humanitarian aid have continued to assist combatants despite awareness of the problem among aid agencies. Some of the literature on humanitarian action is informative in this regard.

There are obvious overlaps in the fields of refugee studies and humanitarian affairs. Humanitarian concerns are a subset of the broader political, legal, social and economic aspects of the study of refugees, and refugee issues are one subset of the humanitarian domain that also extends to victims of natural disasters, human rights abuses and political crises within states. The loss of the political appeal of refugees as people 'voting with their feet' in the 1990s has increasingly led to their portrayal as a

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[20] See William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New York: Simon and Schuster, 1984); Linda Mason and Roger Brown, *Rice, Rivalry and Politics: Managing Cambodian Relief* (Notre Dame: University of Notre Dame Press, 1983); and Josephine Reynell, *Political Pawns: Refugees on the Thai-Kampuchean Border* (Oxford: Refugee Studies Programme, 1989).

[21] Jean-Christophe Rufin, *Le Piège Humanitaire suivi de Humanitaire et politique depuis la chute du Mur*, revised and updated edition (Paris: Jean-Claude Lattès, 1993).
The original edition was titled: Jean-Christophe Rufin, Le Piège : quand l'aide humanitaire remplace la guerre (Paris : Jean-Claude Lattès, 1986).

humanitarian issue, exemplified by the subtitle of the latest UNHCR publication, *The State of the World's Refugees 1997-98: A Humanitarian Agenda*.[22]

Adam Roberts remarks that 'in the 1990s, humanitarian issues have played a historically unprecedented role in international politics'.[23] Indeed, it is certainly the case that issues and events are labelled 'humanitarian' with unparalleled frequency. This trend has coincided with the rise of the notion of 'complex emergencies'[24] as a euphemism for war, genocide and other manifestations of 'disrupted states'[25] in the post-Cold War environment, as well as for the required international multi-faceted response. A growing academic industry[26] has joined governments, UN departments and non-government organisations (NGOs) in studying the characteristics and effects of the alleged 'new world disorder',[27] and the combined civil-military,[28] responses to these.

Within the literature on humanitarian issues, the writings most pertinent to this inquiry are those addressing the negative impacts of humanitarian action and reappraising the *raison d'être* and effectiveness of aid organisations at responding to crises around the

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[22] UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda* (Oxford: Oxford University Press, 1997).

[23] Adam Roberts, 'The role of humanitarian issues in international politics in the 1990s', *International Review of the Red Cross* 833 (March 1999), pp. 19-43 at p. 19.

[24] Variations on this term include 'complex humanitarian emergencies', 'complex political emergencies', and 'complex disasters'. The term has also been accorded acronyms – CHEs or CPEs.

[25] The term 'disrupted states' refers to states which are disintegrating through the erosion of government authority and structures, and states which, through committing crimes against their own people, forfeit their right to legitimacy. This term is preferable to 'collapsed' or 'weak' states since they preclude crises provoked by the strength of the state, such as the Rwandan genocide in 1994, and the Kosovo crisis in 1999.

[26] 'Complex emergencies' have become a distinct subject of analysis, even inspiring the formation of departments dedicated to their study such as the Complex Emergencies Unit of the Centre for Defence Studies, Kings College London.

[27] 'Complex emergencies' in the 'new world disorder' were the theme of a 1999 edition of *Third World Quarterly* (20, No. 1). Together the articles represent some of the lucid, but also the simplistic, generalisations of post-Cold War conflict and the international response to these.

[28] A selection of the vast literature on 'humanitarian intervention' that is indicative of the main themes may include: Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization* (Cambridge, UK: Polity Press, 1996); Ramesh Thakur and Carlyle A. Thayer (eds), *A Crisis of Expectations: UN Peacekeeping in the 1990s* (Boulder: Westview Press, 1995); the special issue of *International Political Science Review* 18 No. 1 (January 1997), dedicated to 'The Dilemmas of Humanitarian Intervention'; François Jean (ed.), *Life, Death and Aid: The Médecins Sans Frontières Report on World Crisis Intervention* (London: Routledge, 1993); Sean D. Murphy, *Humanitarian Intervention: The United Nations in an Evolving World Order* (Philadelphia: University of Pennsylvania Press, 1996); Laura W. Reed and Carl Kaysen (eds), *Emerging Norms of Justified Intervention* (Cambridge, MA: American Academy of Arts and Sciences, 1993); Jonathan Moore, *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham, Md: Rowman and Littlefield, 1998); and Larry Minear and Thomas G. Weiss, *Mercy Under Fire: War and the Global Humanitarian Community* (Boulder: Westview Press, 1995).

world. Although several excellent studies[29] of the negative effects of humanitarian relief preceded it, the November 1994 Africa Rights Discussion paper, *Humanitarianism Unbound?* is widely considered to have 'opened the debate on humanitarianism' as it assertively declares.[30] Other significant works emerged in the 1990s that analyse the relationship between aid and the dynamics of conflict,[31] and evaluations of the impact of humanitarian action have become a growing component of the work of UN agencies and government donors.[32]

Several prescriptive works aimed at reducing the negative impact of humanitarian action have recently gained ascendancy, the most renowned of which commandeered the slogan of the Hippocratic Oath of Western medicine, 'First, do no harm' (*primum non nocere*).[33] Embraced as a response to the growing criticism of humanitarian action, it has

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[29] Morris Davis (ed.), *Civil Wars and the Politics of International Relief: Africa, South Asia, and the Caribbean* (New York: Praeger, 1975); Rufin, *Le Piège Humanitaire*; Mary B. Anderson and Peter J. Woodrow, *Arising from the Ashes: Development Strategy in Times of Disaster* (Boulder: Westview Press, 1989); Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Trenton, NJ: Red Sea Press, 1991); François Jean (ed.), *Populations in Danger* (London: John Libbey, 1992); Alain Destexhe, *L'Humanitaire Impossible ou deux siècles d'ambiguïté* (Paris: Armand Colin, 1993).

[30] *Humanitarianism Unbound? Current Dilemmas Facing Multi-Mandated Relief Operations in Political Emergencies* (London: Discussion Paper No. 5, Africa Rights, 1994), pp. 36-39. Thomas Weiss also credits this paper with having initiated the debate. Thomas G. Weiss, 'Principles, Politics, and Humanitarian Action', *Ethics and International Affairs* 13 (1999): 1-28 at p. 2.

[31] The volume edited by Joanna Macrae and Anthony Zwi, *War and Hunger: Rethinking International Responses to Complex Emergencies* (London: Zed Books in association with Save the Children Fund (UK), 1994) contains excellent articles by David Keen and Ken Wilson, 'Engaging with Violence: A Reassessment of Relief in Wartime', pp. 209-221; Mark Duffield, 'The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid', pp. 50-69; and Joanna Macrae and Anthony Zwi, 'Famine, Complex Emergencies and International Policy in Africa: An Overview', pp. 6-36; See also Alex de Waal, *Famine Crimes: Politics & the Disaster Relief Industry in Africa* (Oxford and Bloomington: Africa Rights & the International African Institute in association with James Currey and Indiana University Press, 1997); Gayle E. Smith, 'Relief Operations and Military Strategy', in Thomas G. Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993), pp. 97-116; François Jean, 'Aide Humanitaire et Économie de Guerre', in François Jean and Jean-Christophe Rufin, *Économie des Guerres Civiles* (Paris: Hachette, 1996), pp. 543-589; and John Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder: Lynne Rienner, 1996).

[32] The Rwandan crisis, for example, spawned at least five separate evaluations by UN agencies in addition to the comprehensive five-volume multi-donor evaluation. See *Comprehensive Report on Lessons Learned from United Nations Assistance Mission for Rwanda (UNAMIR), October 1993-April 1996* (New York: Lessons Learned Unit, Department of Peacekeeping Operations, 1996); Antonio Donini and Norah Niland, *Rwanda: Lessons Learned: A Report on the Coordination of Humanitarian Activities* (New York: United Nations Department of Humanitarian Affairs, 1994); Sue Lautze, Bruce D. Jones, and Mark Duffield, *Strategic Humanitarian Coordination in the Great Lakes Region 1996-1997:An Independent Study for the Inter-Agency Standing Committee* (New York: IASC, 1998); *Report of the Tripartite (UNICEF/UNHCR/WFP) Lessons Learned Study of the Great Lakes Emergency Operation since September 1996* (n.p.: United Nations, 1998); and *Lessons Learned from the Burundi and Rwanda Emergencies* (Geneva: Eval/04/96/Rev.1, Inspection and Evaluation Service, UNHCR, 1996).

[33] This dictum is associated with the work of American aid consultant, Mary Anderson. The idea developed through several stages in almost complete isolation of the work of British or French writers

been received as a 'new paradigm' of aid in some quarters,[34] joining other reconceptualisations of the purpose and priorities of aid in the era of 'complex emergencies'.[35] Yet for all the attention given to mitigating the negative effects of aid, and the 'lessons learned' units formed within UN agencies, government donors and NGOs, Larry Minear notes that there is little scholarly analysis of the dynamics of institutional behaviour and change within humanitarian institutions.[36] He points to aspects of organisational culture that impede learning by aid organisations, ideas that Mark Walkup elucidates in more detail through analysing how such culture develops.[37] Although recognising that the problems faced in the Rwandan refugee camps in Zaire were a 'rerun of problems unaddressed in Cambodian refugee camps along the Thai border years before',[38] Minear restricts his analysis to the post-Cold War period, as do the majority of works analysing humanitarian action.

This thesis demonstrates that one of the reasons for the persistence of the paradoxes of humanitarian action is the emphasis placed on the Cold War/post-Cold War dichotomy. The prevailing discourse laments 'how much more complex humanitarian work was now than it had been in the past',[39] based on clichés about a new world 'disorder'. This study challenges the images underpinning 'complex emergencies', arguing that it is not the emergencies that warrant the 'complex' label but the international response to them.

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on the same subject. For its genesis see Anderson and Woodrow, *Rising from the Ashes*; Mary B. Anderson, 'International Assistance and Conflict: An Exploration of Negative Impacts', (n.p: mimeo, 1994), Mary B. Anderson, *Do No Harm: Supporting Local Capacities for Peace through Aid* (Cambridge, MA: Local Capacities for Peace Project, Collaborative for Development Action, 1996); and Mary B. Anderson, *Do No Harm: How Aid can Support Peace – or War* (Boulder: Lynne Rienner, 1999).

[34] A recent article claimed that the 'Do no harm' maxim emerged in 1996 as 'a new development in the thinking behind relief aid'. Barry Munslow and Christopher Brown, 'Complex emergencies: the institutional impasse', *Third World Quarterly* 20, No. 1 (1999): 207-221 at p. 210.

[35] For critiques of the current paradigms in the literature see Cindy Collins, 'Critiques of Humanitarianism and Humanitarian Action', paper prepared for OCHA Seminar on Lessons Learned on Humanitarian Coordination, Stockholm, 3-4 April 1998; *Humanitarian Assistance and Conflict* (Bergen: Report Prepared for the Norwegian Ministry of Foreign Affairs, Chr. Michelsen Institute, 1997); and Weiss, 'Principles, Politics, and Humanitarian Action'.

[36] Larry Minear, 'Learning to Learn', paper prepared for OCHA Seminar on Lessons Learned on Humanitarian Coordination, Stockholm, 3-4 April 1998, p. 4.

[37] Mark Walkup, 'Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions, and Organizational Culture', *Journal of Refugee Studies* 10, No. 1 (1997): 37-60. John Prendergast also discusses the 'seven deadly sins' committed by aid organisations that exacerbate the negative effects of aid. See Prendergast, *Frontline Diplomacy*, pp. 1-15.

[38] Minear, 'Learning to Learn', p. 8.

[39] Emma Bonino, comments attributed in the Final Report from an ECHO-ICRC seminar, 'Humanitarian Action: Perceptions and Security', Lisbon, 27-28 March 1998, p. 6.

Before outlining the analytical framework of this study, it is useful briefly to discuss general aspects of the refugee regime, humanitarian action, and the actors involved in the provision of international humanitarian aid, since these are central themes of this study.

2. The International Refugee Regime

2.1 Refugees and Refugee Camps

The recognition of individuals and groups as 'refugees' is implicitly value-laden, and the appropriateness of the legal definitions, and their ambiguous application, have been the subject of much discussion.[40] It is not necessary to delve into this issue here; suffice it to note that the granting of refugee status to individuals under the 1951 Refugee Convention and 1967 Protocol, or to groups under the broader 1969 Organisation of African Unity (OAU) Convention, confers rights on individuals that are not extended to asylum seekers outside the definition, or to persons displaced within their own country. The central tenet of the 1951 definition is that a refugee must have 'a well-founded fear of being persecuted' in his or her country of origin, which the 1969 OAU Convention extended to include people who fled more generalised 'external aggression, occupation, foreign domination or events seriously disturbing public order'. Some of the issues related to the refugee concept and the notions it implies will be raised in more detail in the case studies.

Although evidence suggests that refugees who settle among the local population generally fare better than those confined to camps,[41] the establishment of refugee camps 'was invented as the most efficient method of distributing aid to a constituency that has been labelled as requiring it'.[42] Systems for delivering aid and conducting epidemiological surveillance of the population are easier to establish in camps, and host

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[40] See, for example, Zolberg et al., *Escape from Violence*, pp. 3-33; Yéfime Zarjevski, *A Future Preserved: International Assistance to Refugees* (Oxford: Pergamon Press, 1988), pp. 49-72; Loescher, *Beyond Charity*, pp. 140-143; Roger Zetter, 'Labelling Refugees: Forming and Transforming a Bureaucratic Identity', *Journal of Refugee Studies* 4, No. 1 (1991): 39-62.

[41] See, for example, Wim Van Damme, 'Do refugees belong in camps? Experiences from Goma and Guinea', *The Lancet* 346 (5 August 1995): 360-362.

[42] Eftihia Voutira and Barbara E. Harrell-Bond, 'In Search of the Locus of Trust: The Social World of the Refugee Camp', in E. Valentine Daniel and John Chr. Knudsen (eds), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), pp. 207-224 at pp. 209-210.

governments often prefer to confine refugees to camps to control the impact of their presence on the local population, social services and environment. Moreover, the temporal image portrayed by camps sustains the hope among refugees and host governments that the refugees will return one day to their country of origin. Refugees living in closed camps depend entirely on external assistance whereas those in open camps can interact and trade with the local community and engage in income-generating activities.

Refugee camps give rise to a complex web of relationships between the host nation authorities, the local population, the refugees, UNHCR, NGOs, donor governments, and within each of these groups. The host government is responsible for security in refugee camps and often deploys police, military or paramilitary forces to maintain law and order. The host country is also responsible for recognising or denying refugee status to asylum seekers and can invite UNHCR to assist in this process and to administer the refugee camps but is not obliged to do so under international law. The mandate of UNHCR is contained in its 1950 Statute, but this is recommendatory and not binding on states. Hence UNHCR's authority 'is moral and entails no significant legal sanctions'.[43]

The management of refugee camps and the coordination of services are usually undertaken by UNHCR. UNHCR enlists the assistance of NGOs to implement projects in the essential sectors of food and nutrition, water and sanitation, health, shelter and site maintenance, assistance to 'vulnerable groups', and in other fields such as education, training, agriculture, and environmental management. Other UN agencies such as the United Nations Children's Fund (UNICEF) and the World Food Programme (WFP) are usually present under their respective mandates for children's rights and food aid, and the International Committee of the Red Cross (ICRC) might also provide assistance in accordance with its mandate conferred by international humanitarian law. NGOs do not have formal mandates specifying their responsibilities. Rather they operate under self-designated charters, or organisational statements of objectives and goals.

Humanitarian NGOs tend to espouse the common objective of alleviating the suffering of vulnerable populations, but beyond this general objective they exhibit as many

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[43] P. D. Maynard, 'The Legal Competence of the United Nations High Commissioner for Refugees', *International and Comparative Law Quarterly* 31 (July 1982): 415-425 at p. 416.

differences as similarities in ideology and approach to their operations.[44] Some were formed to proselytise, some to espouse a particular cause, and others to specialise in technical assistance. They vary enormously in size, competence and commitment. NGO attitudes to relationships with governments are one of the areas in which they differ most. During much of the Cold War humanitarian aid was tied to the foreign policy interests of donor governments and many NGOs were allegedly direct[45] and indirect vehicles of such policy. The US Government was particularly consistent in this strategy: Eugene Douglas, while US Coordinator for Refugee Affairs, wrote that 'refugee policy has always been in fact a component of foreign policy'.[46] Nevertheless, some NGOs accepted, and still accept, high levels of government funding, rejecting the idea that this necessarily ties humanitarian action to the foreign policy of governments. But as Barbara Harrell-Bond points out, 'it is extremely difficult, if not impossible, for a humanitarian agency that receives substantial amounts of government money to act as an advocate for an oppressed group whose interests contradict those of either donors or hosts'.[47] Other NGOs retain greater independence from governments through securing funds from the public.

Among the refugees themselves there may be considerable differences in status, religion, ethnicity, education, and political persuasion that can affect, and be affected by, the administrative procedures of a refugee camp. The local 'leaders' are usually sought out to liaise between refugee communities and aid organisations, but the dynamics of camp management can alter social relationships significantly. Refugees with qualifications recognised by aid organisations are favoured in employment over those without, and skills in European languages, and logistical functions such as vehicle operation and maintenance, are highly valued. Relations of power and authority exist at all levels in refugee camps.[48]

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[44] For a detailed discussion of the history and purposes of humanitarian NGOs see Yves Beigbeder, *The Role and Status of International Humanitarian Volunteers and Organisations: The Right and Duty to Humanitarian Assistance* (Dordrecht: Martinus Nijhoff, 1991).

[45] The International Rescue Committee (IRC) was allegedly part of the covert network of the CIA throughout the Cold War. See Eric Thomas Chester, *Covert Network: Progressives, the International Rescue Committee and the CIA* (Armonk, NY: M.E.Sharpe, 1995).

[46] Eugene Douglas, 'The Problems of Refugees in a Strategic Perspective', *Strategic Review* (Fall 1982): 11-20 at p. 13.

[47] Harrell-Bond, *Imposing Aid*, p. 17.

[48] For an excellent discussion of the power relations in a refugee camp see Voutira and Harrell-Bond, 'In Search of the Locus of Trust: The Social World of the Refugee Camp'.

2.2 Humanitarian Action

Despite its importance as a normative concept in international relations and international law, the term 'humanitarian' has eluded definition by the UN or the International Court of Justice (ICJ).[49] The term is laden with a multitude of meanings from its broad dichotomous use as the opposite of 'political' to its specific use, for example, to classify goods deemed essential to life which may be exempted from an economic embargo.

Of course, charitable acts and benevolence are evident in all cultures and societies.[50] The origins of Western humanitarian activity, however, are embedded in two main traditions: religion, and 18th Century European Enlightenment philosophies. Distinctions between these approaches are still evident today: some aid organisations profess a charitable 'duty' to assist the less fortunate, while others base their action on the 'rights' of people to certain minimum standards. The contemporary framework for humanitarian action owes its origins to the Red Cross movement and the first intergovernmental agreement signed in 1864, which aimed to 'humanise' war through limiting its consequences. Based on a respect for humanity, it was the first treaty applicable to inter-state conflict at all times and in all circumstances, to which any state could adhere; previous rules to protect the victims of war and regulate permissible conduct were specific to particular conflicts.[51]

Concerned with preserving the dignity and essence of humanity, 'humanitarian' encompasses constraints, or things that individuals and governments must not do, and obligations, or things that they should do. International humanitarian law imposes limits on permissible behaviour during war; human rights law sets the minimum standards to which individuals are entitled by virtue of their membership of humanity; and humanitarian action seeks to restore some of those rights when individuals are deprived of them by circumstance. The 'humanitarian imperative' that drives the work of most

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[49] For a more detailed discussion of the definitional void and the issues involved, see Ramsbotham and Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, pp. 8-32; and Minear and Weiss, *Mercy Under Fire*, pp. 18-22.

[50] See Ephraim Issac, 'Humanitarianism Across Religions and Cultures', in Thomas G. Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993), pp. 13-22; and Bhikhu Parekh, 'Rethinking Humanitarian Intervention', *International Political Science Review* 18, No. 1 (1997): 49-69, esp. pp. 54-55.

[51] The Lieber Code of the American Civil War was the first modern codification of the laws of war to be officially adopted by a warring party in a civil war, the Union Army in 1863. See Chris af Jochnick and Roger Normand, 'The Legitimation of Violence: A Critical History of the Laws of War', *Harvard International Law Journal* 35, No. 1 (1994): 49-95 at pp. 65-66.

aid organisations declares that there is an obligation to provide humanitarian assistance wherever it is needed, and is predicated on the right to receive, and to offer, humanitarian assistance.[52] This right of humanitarian initiative is recognised under international law in times of conflict, provided that such assistance is impartial and receives the consent of belligerent parties.[53]

Humanitarian action posits a universal ethic founded on the principle of equal dignity for all.[54] The impartiality of humanitarian action is one of three fundamental principles of humanitarianism that embodies this maxim and promotes its universal acceptance.[55] Impartial assistance is based solely on need without any discrimination among beneficiaries based on nationality, race, religion or other factors. The second principle, neutrality of humanitarian action, denotes a duty to refrain from taking part in hostilities, or from undertaking any action which furthers the interests of one party to the conflict or compromises those of the other. And the third principle, independence, ensures that humanitarian action is exclusively concerned with the welfare of humanity and free of all political, religious or other extraneous influences. These principles, particularly neutrality, are the subject of considerable debate: is it morally acceptable to remain neutral when faced with grave abuses of human rights?[56]

The purpose of these principles is firstly to facilitate access by aid organisations to victims of conflict, repression or other circumstances - to create a 'humanitarian space' which is 'detached' from the political stakes of the context; and secondly, to ensure that the assistance given is unconditional, that it is not used as a tool to induce political or

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[52] See the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief http://www.ifrc.org/pubs/code/

[53] See Article 23 of the Fourth Geneva Convention of 1949.

[54] Rony Brauman, 'L'assistance humanitaire internationale', in Monique Canto-Sperber (ed.) *Dictionnaire de Philosophie Morale et Politique* (Paris: Presses Universitaires de France (PUF), 1996), pp. 96-101 at p. 96.

[55] Most observers list the first three principles of the Red Cross, humanity, neutrality and impartiality, as the fundamental principles of humanitarian action. However, 'humanity' denotes respect for the human being, which I consider is the core idea of 'humanitarian' rather than one of several principles underpinning it.

[56] For discussions of the debate see Denise Plattner, 'ICRC neutrality and neutrality in humanitarian assistance', *International Review of the Red Cross* 311 (March 1996): 161-179; Hans Haug, 'Neutrality as a fundamental principle of the Red Cross', *International Review of the Red Cross* 315 (November 1996): 627-630; Larry Minear, 'The theory and practice of neutrality: Some thoughts on the tensions', *International Review of the Red Cross* 833 (March 1999): 63-71; *Humanitarianism Unbound: Current Dilemmas Facing Multi-Mandated Relief Operations in Political Emergencies*, pp. 24-36; Rony Brauman, *Devant le Mal: Rwanda. Un Génocide en Direct* (Paris: Arléa, 1994), pp. 21-28.

religious compliance. The term 'humanitarian space' is often used to invoke a space 'separate from the political',[57] but, as later chapters will illustrate, such a separation is seldom possible in practice. The term is used here to imply the existence of certain operational standards or conditions that permit humanitarian aid to be given in accordance with its purpose. These include the freedom to assess independently the needs of the population; retain unhindered access to the population; conduct, monitor and evaluate the distribution of aid; and obtain security guarantees for expatriate and local personnel, and property.

In some circumstances, the principles of humanitarian action and their operational standards clash. When this occurs, choices must be made about which receives priority. The hierarchy of principles established by each aid organisation varies according to the perceptions of the primary purpose of humanitarian action. Aid organisations have adopted very different perceptions of their role, purpose and their understanding of what constitutes 'humanitarian assistance'. In its most common usage, it denotes emergency assistance provided to populations to alleviate life threatening situations, but variations in its reach and interpretation abound. For the United Nations High Commissioner for Refugees, Sadako Ogata, for example, humanitarian assistance is 'essentially and above all else about protection – protection of victims of human rights and humanitarian violations'.[58] Others suggest that humanitarian action should promote equitable economic development and peace initiatives,[59] and some aid organisations advocate 'employing humanitarian action as part of a comprehensive strategy to transform conflict'.[60] By contrast, Rony Brauman, former president of *Médecins sans Frontières* (MSF) contends that the role of humanitarian action, contrary to that of development, is *not* to transform a society, but to assist it to endure a period of crisis and regain its

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[57] Daniel Warner, 'The politics of the political/humanitarian divide', *International Review of the Red Cross* 833 (March 1999): 109-118.

[58] Sadako Ogata, Speech to the Conference on Conflict and Humanitarian Action, Princeton, October 22-23, 1993, as cited in Weiss and Minear, *Mercy Under Fire*, p. 21.

[59] See Anderson and Woodrow, *Arising from the Ashes*, and Mary B. Anderson, 'Development and the Prevention of Humanitarian Emergencies', in Thomas G. Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993): 23-38.

[60] Weiss, 'Principles, Politics, and Humanitarian Action', p. 3. This article and responses solicited to it provide an interesting insight into aspects of the contemporary debate about the scope of humanitarian action. The responses, in the same volume (*Ethics and International Affairs* 13, 1999) are: Cornelio Sommaruga, 'Humanity: Our Priority Now and Always', pp. 23-28; Joelle Tanguy and Fiona Terry, 'Humanitarian Responsibility and Committed Action', pp. 29-34; and David Rieff, 'Moral Imperatives and Political Realities', pp. 35-42.

previous balance. He defines humanitarian action as 'that which aims, without any discrimination and with peaceful means, to preserve life and human dignity and to restore people's ability to choose'.[61]

Henry Shue raises some additional ideas about what constitutes 'humanitarian' action and the assistance that is offered under this banner.[62] First, he notes that to be humanitarian, assistance must be in response to a crisis that was not caused by the provider of the aid. If the donor caused or had complicity in causing the disaster, then any aid offered is compensation for the harm wrought, rather than humanitarian assistance. Similarly, what is owed in justice cannot be given in charity. Humanitarian assistance must be freely given; the transfer of financial or material resources cannot be considered humanitarian if it was already owed to the recipients. Second, humanitarian assistance must be intended for victims: 'the question is not *what* one gives – it is to *whom* one gives it'.[63] Food, water and clothing intended for an army cannot be labelled humanitarian (as such assistance to the US-backed Nicaraguan guerrillas in Honduras was in the mid-1980s); it is logistical support for the military. But he argues that a rifle might constitute humanitarian assistance if provided to villagers who suffered from attack by wild animals. Shue notes that:

> if an army cannot afford both guns and food, giving it food is providing military assistance... the question is: is the food preventing a victim of poverty from starving, or is it enabling an invasion force to move forward?[64]

This thesis explores what happens when humanitarian action makes it possible to do both. The interpretation given to the purpose of humanitarian action under such circumstances, and the extent to which aid organisations are willing and able to uphold the core principles of humanitarianism are explored in the following chapters. One of the findings to emerge from this study is that broadening the role and interpretation of humanitarian action will increase its potential for manipulation by political powers.

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61 Rony Brauman, *L'Action Humanitaire* (Paris: Dominos, 1995), p. 9. All translations from French are mine, unless otherwise stated.

62 Henry Shue, 'Morality, Politics, and Humanitarian Assistance', in Bruce Nichols and Gil Loescher (eds), *The Moral Nation: Humanitarianism and US Foreign Policy Today* (Notre Dame: University of Notre Dame Press, 1989), pp. 12-40 at pp. 21-24.

63 ibid., p. 23 (emphasis in original).

64 ibid., p. 24.

3. The Scope and Method of the Study

This dissertation explores the interconnected questions concerning humanitarian action and war in five refugee contexts located in four host countries across three continents: the Afghan refugee camps in Pakistan; the Nicaraguan and Salvadoran refugee camps in Honduras; the Cambodian refugee camps in Thailand; and the Rwandan refugee camps in Zaire. It explores why the paradoxes of humanitarian action recurred in the Rwandan refugee camps when aid organisations had prior knowledge and experience of the refugee-warrior phenomenon. The cases chosen to precede Rwanda were those likely to have generated experience and knowledge applicable beyond their individual contexts, and in which refugees attracted the support of a representative range of aid organisations. They also cover a broad geographical area to reflect the widespread nature of the phenomenon of humanitarian sanctuaries, and each case offers similarities and differences to justify its inclusion.

The Afghan, Nicaraguan and Cambodian cases have a common thread in their centrality to the so-called 'Reagan Doctrine', that initiated a change in US foreign policy from one of 'containing' communism, to actively supporting insurgent movements fighting to overthrow Soviet-backed regimes in the Third World. Although each of the insurgency movements was allegedly in receipt of US covert assistance prior to 1986, the US House of Representatives in June and July of that year gave formal approval to the US Administration to support forces opposing communist regimes in each of these conflicts (and in Angola).[65] Thus the cases provide an opportunity to compare variations in the degree to which the refugees and the camp structures served to legitimise and facilitate such support, and provide an interesting comparison with the post-Cold War Rwandan refugee crisis which was devoid of superpower rivalry.

The Cambodian case shares an important characteristic with the Rwandan refugee camps in Zaire: the main armed group benefiting from the humanitarian sanctuary had perpetrated widespread and massive war crimes, crimes against humanity and acts of genocide among the civilian population before its exile.[66] Such crimes are unjustifiable

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[65] The Reagan Doctrine was first articulated at President Reagan's State of Union address in February 1985. For a good analysis of the Reagan Doctrine see Stephen S. Rosenfeld, 'The Guns of July', *Foreign Affairs* 64, No. 4 (1986): 698-714.

[66] While what occurred in Rwanda is widely recognised as genocide, there is debate over whether the Khmer Rouge atrocities constitute genocide under the strict definition of the 1948 Genocide

in any circumstances and are recognised and codified as such under international law. This factor sharpened the ethical dilemmas posed to aid organisations working in the camps. Furthermore, the Cambodian analogy was publicly invoked as a precedent during the Rwandan refugee crisis.

The inclusion of Honduras as a host state in the study provides some insight into variations in the treatment of refugees and guerrilla movements according to their political value and the message implicit in their flight. Eastern Honduras sheltered refugees fleeing a left-wing government in Nicaragua, while in the west resided refugees fleeing a right-wing government in El Salvador. The domestic and international responses to them were markedly different. Examining the Salvadoran refugee camps also permits a test of the proposition put by Zolberg, Suhrke and Aguayo that, to exist, refugee-warrior communities 'require sanctuary in a neighboring country permitting military operations from its territory'. They claim that 'without a friendly base, the community in exile can only be refugees' and they mention the case of the Salvadoran refugees in Honduras as evidence of this.[57]

The Afghan refugee camps in Pakistan introduce two unique factors to the thesis: first, it is the only case examined in which a superpower was directly involved on the ground; and second, the refugees were of Muslim faith and interpreted the notion of 'exodus' and 'refuge' in a different way from that of the international refugee regime. The Afghan case highlights issues of refugee agency in their exile and return, and the appropriateness of Western understanding of cultural and religious difference.

The Rwandan refugee camps in Zaire are the final case study examined to determine how and why the paradoxes of humanitarian action persist. Occurring in the post-Cold War period and falling outside the spheres of national concern of the major powers, the Rwandan genocide and refugee crisis solicited the opposite response from states to that

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Convention. The majority of killings were conducted on a political basis rather than an ethnic or religious basis specified in the Convention. For aspects of the debate see Leo Kuper, *Genocide: Its political Use in the Twentieth Century* (New Haven, Yale University Press, 1981); David Hawk, 'Pol Pot's Cambodia: Was it Genocide?', in Israel W. Charney (ed.), *Toward the Understanding and Prevention of Genocide: Proceedings of the International Conference on the Holocaust and Genocide* (Boulder: Westview Press, 1984), pp. 51-59; Ben Kiernan (ed.), *Genocide and Democracy in Cambodia: The Khmer Rouge, the United Nations, and the International Community* (New Haven: Yale University Press, 1993); Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (Oxford: Oxford University Press, 1997).

[57] Zolberg et al., *Escape from Violence*, p. 276.

of crises in the past. Rather than a product of political interference, the refugee-warriors and paradoxes of aid resulted from a lack of interference, and were ironically more significant. They also resulted in the worst consequences for the refugees of all cases examined.

The Rwandan case is analysed in more detail than the other cases for two reasons. First, the egregiousness of the Rwandan case highlights the multiple failures of the international refugee regime to apply experience gained in the past. Very little was without precedent in the Rwanda crisis, yet aid organisations were unable to avoid the same pitfalls that had plagued refugee relief operations previously. Thus the attitudes of aid agencies are explored more deeply in this chapter to identify the constraints they faced to mitigating the negative effects of their assistance.

Second, the quality and quantity of information available on the militarisation of the Rwandan refugee camps is unprecedented. The defeated Rwandan regime fled the country with extensive assets and established an administrative structure of a government-in-exile in the refugee camps. The military and civil authorities documented many aspects of their organisation in Zaire, some of which were found by journalists once the camps were abandoned in anticipation of the Zairean rebel and Rwandan government attacks in late 1996.[68] These documents provide rare insight into the machinations of a military force ensconced in refugee camps and the logic behind the propaganda and other methods of control to keep the refugees from returning to their homes. This in itself justifies more detailed attention.

Length constraints preclude the addition of further case studies: had another been possible, the role of the refugee camps in the Sudan in relation to the insurgency in Eritrea and Tigray would have been examined. This case would have provided interesting new insights into the organisation of guerrilla movements, but was unique in many of its facets, and arguably too idiosyncratic to warrant inclusion. Only about 40 percent of the Eritrean and Ethiopian refugees in eastern and central Sudan received

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[68] I am greatly indebted to Sam Kiley of the London *Times*, Massimo Alberizzi of the Italian newspaper *Corriere Della Sera*, Christian Jennings of Reuters and Chris Tomlinson of Associated Press for sharing these documents with me.

international assistance,[69] and the two main insurgency movements, the Eritrean People's Liberation Front (EPLF) and the Eritrean Liberation Front (ELF), ran their own camps equipped with hospitals, schools, communication and training centres, and facilities to repair captured weapons and manufacture ammunition.[70] International humanitarian aid arguably played a more significant role in the cross-border relief program, as opposed to programs for the refugees, run by a consortium of NGOs called the Emergency Relief Desk, through indigenous relief associations in collaboration with the Fronts.[71] So, although the cross-border program shares similarities with the situation in Afghanistan, the relative absence of international aid in supporting the refugee camps in the Sudan rendered the case less pertinent to this inquiry than the contexts that were selected. It is beyond the scope of this thesis to examine the reasons why some camps become humanitarian sanctuaries while others do not.[72]

This study examines how humanitarian action becomes a political and economic resource for combatants in each of the case studies by using a framework adapted from Rufin's *Le Piége Humanitaire*. Examining the economic strategies employed by

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[69] Gaim Kibreab, 'Refugees in the Sudan: Unresolved Issues', in Howard Adelman and John Sorenson (eds), *African Refugees: Development Aid and Repatriation* (Boulder: Westview Press, 1994), pp. 43-68 at p. 45.

[70] Zolberg et al., *Escape from Violence*, p. 115.

[71] For a detailed discussion of the activities of the Emergency Relief Desk see Mark Duffield and John Prendergast, *Without Troops & Tanks: The Emergency Relief Desk and the Cross Border Operation into Eritrea and Tigray* (Lawrenceville, NJ: Red Sea Press, 1994). Also see John Sorenson, 'Refugees, Relief and Rehabilitation in the Horn of Africa: The Eritrean Relief Association' in Howard Adelman and John Sorenson (eds), *African Refugees: Development Aid and Repatriation* (Boulder: Westview Press, 1994), pp. 69-93. For more information about Eritrean refugees in the Sudan, see John R. Rogge, *Too Many, Too Long: Sudan's Twenty-Year Refugee Dilemma* (Totowa, NJ: Rowman & Allanheld, 1985), and Judy A. Mayotte, *Disposable People? The Plight of Refugees* (Maryknoll, NY: Orbis Books, 1992), pp. 217-301.

[72] This issue is dealt with to some extent by Howard Adelman in 'Why Refugee-Warriors are Threats'. Adelman disputes the idea posited by Zolberg, Suhrke and Aguayo that the reasons why refugees become warriors resides in the rationale for their exodus. Adelman suggests instead that the explanation lies in the treatment of the refugees by regional and international actors – that refugee-warriors are not a product of root causes but failures, sometimes deliberate, in conflict management. Adelman's thesis, however, leaves little room for refugee agency, and does not seem to be applicable to, for instance, Mozambican refugees. Their lack of militancy appears to be due to the fact that they were overwhelmingly fleeing the tyranny of Renamo (*Resistencia Nacional Mocambicana* - Mozambique National Resistance) forces, rather than the central government. If the refugees wanted to fight Renamo they did not need to do it from a neighbouring state but could join the national army. For a survey of the reasons for the refugee exodus see Robert Gersony, *Summary of Mozambican Refugee Accounts of Principally Conflict-Related Experience in Mozambique* (Washington: Report submitted to Ambassador Jonathan Moore, Director, Bureau for Refugee Programs and Dr Chester A. Crocker, Assistant Secretary of State for African Affairs, April 1988). For more information about the atrocities perpetrated by Renamo, see Fabrice Weissman, 'Mozambique: la "Guerre du ventre"', in François Jean and Jean-Christophe Rufin (eds), *Économie des guerres civiles* (Paris: Hachette, 1996), pp. 299-340.

guerrilla movements to sustain an insurgency, Rufin identifies the use of refugee camps as the most successful of three organisational arrangements.

The first and least sustainable strategy is via a 'closed' war economy, following the dictum articulated by Mao Zedong that the people are for guerrillas what the sea is for fish. In a closed economy the guerrillas are dependent upon the local population to fulfil their material needs; hence the strategy is sustainable only as long as food is plentiful and the population is supportive. While successful in China, the failures of the Biafran secessionists in Nigeria, the Mau Mau in Kenya and the Hux in the Philippines illustrate the limitations of this mode of functioning.[73]

The second and more successful strategy to sustain an insurgency is through establishing a military base in a neighbouring country. Norms of state sovereignty protect guerrillas: the pursuit of combatants to a neighbouring state risks interstate confrontation. Resupply and rearmament arrangements are also facilitated through the host nation. This strategy has limitations, however, primarily because of the vulnerability of the movement to political fluctuations in the host country. The Palestine Liberation Organisation (PLO), for example, was expelled from Jordan in 'Black September' of 1970, and the bases of the ANC in Mozambique were disbanded after the Frelimo (*Frente Libertacao Mocambicana* - Mozambique Liberation Front) government signed the Nkomati agreement with South Africa in 1984.

Refugee camps in neighbouring countries provide the most successful organisational strategy for guerrillas. These offer three major advantages over a military base. First, they provide additional protection since an attack against a refugee camp draws international condemnation. Second, refugee camps attract humanitarian assistance that provides the guerrillas with an economic resource independent of external patron states. Third, the refugee camp structures provide mechanisms through which the guerrilla movement can control the civilian population and legitimise its leadership. In direct contrast to military sanctuaries, which are militarised, secret and political, humanitarian sanctuaries are civilian, public and 'neutral'.[74]

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[73] Rufin, *Le Piège Humanitaire*, p. 118.

[74] ibid., p. 121.

This framework provides an effective mechanism through which to examine how humanitarian action becomes a political and economic resource for combatants, and to assess the relative importance of humanitarian sanctuaries compared with the host state as a purely military sanctuary. By contextualising the role of refugee camps within the overall insurgency strategy employed by guerrillas – albeit within the confines of available data – an assessment of whether humanitarian action might have prolonged conflict in the refugee-generating state can be attempted. The thesis does not profess to provide a detailed description of the total support received by guerrilla movements; it would be impossible given the length constraints. Instead it aims to situate humanitarian action in its broader context to avoid the aid-centricity of most studies in this field.

The benefits that Rufin attributes to humanitarian sanctuaries fit well within the broader context of the negative consequences of humanitarian assistance. International legal norms protecting refugees provide a secure base for combatants ensconced among them, and the camp administrative structures facilitate control of the refugee population. The aid distributed therein provides an economic and material resource, and the images conveyed by the presence of refugees and international aid agencies can confer legitimacy to political causes, guerrilla movements and individual leaders.

Thus the analysis of each case study follows the same format, comprising three parts. The first two employ Rufin's framework: Part One examines the host state as a military sanctuary, and Part Two examines the host state as a humanitarian sanctuary. Part Three of each chapter explores the main attitudes manifest among the aid agencies towards the use of the refugee camps and humanitarian aid by the resistance forces. It highlights the extent of knowledge and experience gained by the aid agencies about the unintended consequences of aid, and analyses how individual organisations reconciled competing principles of humanitarian action.

This study is based on information gathered while working in Rwanda and in the Rwandan refugee camps in Tanzania, and from research undertaken in Afghanistan, Pakistan, the US, and Europe. Extensive interviews were conducted with staff of UN agencies, NGOs and with refugees, and the libraries of several aid organisations and research centres were consulted. Preference has been accorded to published or written sources over verbal testimony in citations in the text where the same or a similar point is

made in both; thus few interviews of refugees or aid officials are included in the final text although they influenced the overall product.

The availability of information varied greatly among cases. Since I was granted complete access to MSF archives in Paris and access to the Rwanda files of UNHCR, the amount of information from these sources is biased accordingly. The inconsistency of available information is also reflected in the different level of detail provided in the maps in each chapter: rather than reduce each to the lowest common denominator for the sake of uniformity, they remain different.

When conducting research of this kind and making judgements about the ways in which individuals and aid organisations made and rationalised decisions, it is useful to consider how such judgements are made, and the perspective in which they are embedded. Michael Walzer explains the former:

> The moral point of view derives its legitimacy from the perspective of the actor. When we make moral judgments, we try to recapture that perspective. We reiterate the decision-making process, or we rehearse our own future decisions, asking what we would have done (or what we would do) in similar circumstances.[75]

Obviously such judgements are easier to make with the benefit of hindsight. It is interesting to note that writings about the Rwandan camps were far more critical after 1996 once the outcome was known. As the Rwanda chapter illustrates, some of the observers who denounced the manipulation of aid the most vehemently once the camps were destroyed were those who had the best chance of stopping it earlier, but chose not to.

All the judgements made in this thesis also benefit from knowledge of the consequences of the aid programs, and from information that might not have been available at the time to influence decisions. The Rwanda chapter, however, tries to reflect the positions of aid organisations at the end of 1994 when the French section of MSF withdrew from the camps and lobbied publicly to try to generate change. As the head of the MSF team in the Rwandan camps in Tanzania at that time, I was deeply involved in the debate. It was difficult to reconcile the conflicting opinions of head office personnel, team members,

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[75] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992), pp. 8-9.

local staff, refugees, Tanzanian authorities, UNHCR, NGOs, and other national branches of MSF with personal views of the best course of action to pursue. Intense debates occurred in MSF over whether the organisation should meet the humanitarian imperative and remain in the camps, or should withdraw and protest publicly about the abuse of the humanitarian system. We questioned whether the greater responsibility of aid organisations to refugees is to participate or to refuse. The French section of MSF decided to leave and the Spanish, Dutch, Belgian and Swiss sections decided to remain. Which section was 'right' remains a fiercely contested debate to the present.

The second point, which follows from the first, is that observations and analyses are embedded in the culture from which the author originates. As Robben and Nordstrom note with reference to Western anthropologists:

> The sheer force of Western enculturation blinds even declared egalitarians to the destructive beliefs they carry and impart to those they study. We depart for the field bowing under the weight of our own culture, propped up and propelled by Western assumptions we seldom question, shielded from the blaze of complex cultural diversity by a carefully crafted lens of cultural belief that determines as much as clarifies what we see.[76]

This observation is compounded in the case of aid workers by the institutional culture of the organisation to which they are attached. This study is no exception: it is influenced by the culture in MSF and particularly by the work of Brauman, Rufin, François Jean and Alain Destexhe. This is not to say, however, that institutional culture determines attitudes in a reductionist fashion.

The risk when writing about the negative repercussions of humanitarian action is that it will provide ammunition to critics advocating less foreign aid, or using the failures of aid to pursue other agendas. That portion of the literature that consists of 'highly polemical exposés of the iniquities of aid donors, usually based on a series of anecdotes presented by the author',[77] is often confused with highly thoughtful critiques of aid by

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[76] Antonius C.G.M. Robben and Carolyn Nordstrom, 'The Anthropology and Ethnography of Violence and Sociopolitical Conflict', in Carolyn Nordstrom and Antonius C.G.M. Robben (eds), *Fieldwork Under Fire: Contemporary Studies of Violence and Survival* (Berkeley: University of California Press, 1995), pp. 1-23 at p. 11.

[77] Carol Lancaster, *Aid to Africa: So Much to Do, So Little Done* (Chicago: University of Chicago Press, 1999), p. 8. Graham Hancock's *Lords of Poverty* (London: Mandarin, 1989) and Michael Maren's *The Road to Hell: The Ravaging Effects of Foreign Aid and International Charity* (New York: Free Press, 1997) are two examples of this type of genre. While these books do serve a useful purpose in exposing corruption and blatant mismanagement, and in sending shock-waves through the

authors like Alex de Waal and Rakiya Omaar. One author, for example, combined criticisms of the relief effort in Somalia contained in professional reports with a critique published in *Penthouse* to justify the military intervention in Somalia.[78]

Although potentially serving such arguments, this purpose of this thesis is to deepen understanding of why the paradoxes of aid persist in the hope that aid organisations will accept more responsibility for the consequences of their actions. De Waal notes the 'extraordinary capacity' of the aid system 'to absorb criticism, not reform itself, and yet emerge strengthened', and argues that when written from the inside and aimed at the authors' peers, critiques 'seem to have the effect of enriching the moral capital of these same humanitarian institutions'.[79] While this is a valid point, it has another side. Many aid organisations and individuals reject criticism from the outside for being detached from the realities of the field. It is easier to advocate withdrawing or withholding aid when one is not face to face with people suffering. The humanitarian impulse is far stronger in the field than away from it, and thus aid practitioners are less likely to accept criticisms from authors who have not attempted to confront the dilemmas from where they stand. De Waal focuses on the systemic problems of humanitarian relief from the outside. This study aims to understand some of the systemic problems from the inside.

The thesis is divided into six chapters. Chapter 1 examines **the dominant discourses that emerged to explain the 'new world order' of the 1990s, and identifies common misconceptions that predominate in the literature with regard to the complexity and originality of the post-Cold War environment. The chapter unravels some of the genuine changes in the nature of conflict in the 1990s and the repercussions of these for the

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industry, their anecdotal nature in isolation of deeper analysis leads to their dismissal by the audience which should take note, and their embrace by advocates of a cessation of foreign aid.

78 M. Maren, 'A Different Kind of Child Abuse', *Penthouse* (December 1995), cited by Michael Kelly, *Peace Operations: Tackling the Military Legal and Policy Challenges* (Canberra: Australian Government Publishing Service, 1997), paragraphs 715-723. Even from the professional reports, Kelly is highly selective of the details he employs, and those he ignores, to back up his argument. He claims, for example, that ICRC hired 20,000 armed guards in Somalia, 'making them the largest armed faction in Somalia', yet provides no documentation or evidence of this. Yet in a report by the Refugee Policy Group that he selectively used elsewhere it is noted that ICRC employed a total of 25,000 Somalis directly, and many others indirectly, citing a draft Dutch Government Aid Evaluation as the source. The final Dutch Evaluation report mentioned 24,000 Somalis employed by ICRC. It was not possible for ICRC to have worked with 20,000 armed guards and only 4,000 other staff during their massive operation in Somalia. See *Humanitarian Aid to Somalia: Evaluation Report 1994* (The Hague: Operations Review Unit, Ministry of Foreign Affairs, The Netherlands, 1994), p. 129 and John Sommer, *Hope Restored? Humanitarian Aid in Somalia, 1990-1994* (Washington: Refugee Policy Group, 1994), p. 84.

79 De Waal, *Famine Crimes*, p. xvi.

provision of humanitarian assistance. It then analyses four of the paradoxes that have characterised humanitarian action over the last 30 years, to situate them within the broad humanitarian arena before they are examined in the case studies. Chapter 1 also discusses the reconceptualisation of humanitarian action stimulated by perceived changes in the post-Cold War environment, and notions of responsibility for the consequences of humanitarian action.

Chapters 2 to 5 present the case studies. Chapter 2 examines the Afghan refugee camps in Pakistan and demonstrates the complementarity of refugee camps to a military sanctuary for combatants. The chapter highlights the legitimising role of humanitarian action in strengthening some segments of the Afghan resistance over others, the legacy of which continues to the present.

Chapter 3 investigates the Nicaraguan and Salvadoran refugee camps in Honduras. It illustrates the different standards of asylum and care offered to refugees according to the political messages conveyed by their presence, and demonstrates the extent to which aid organisations conformed to ideological preferences over humanitarian principles. This chapter also demonstrates that refugee camps can be of benefit to guerrilla movements, even when on hostile territory.

Chapter 4 examines the Cambodian refugee camps in Thailand. It demonstrates that unlike elsewhere, the negative consequences of aid were not an unintended side-effect of the relief effort but were orchestrated by donor governments. No humanitarian space existed along the Thai-Cambodian border or inside Cambodia, and aid organisations compromised even the most basic humanitarian principles. This case provided the most stark precedent to the Rwandan crisis, yet the paradoxes of aid recurred in spite of the warnings.

Chapter 5 analyses the Rwandan refugee camps in Zaire. It demonstrates that the paradoxes of aid were, for the first time, not in the interests of the vast majority of aid organisations and government donors, yet ironically served the guerrillas more effectively than in the other cases when they were either tolerated or intended. The chapter argues that aid organisations must assume responsibility for the consequences of their actions, and consider withdrawal as a tangible option when faced with unacceptable compromise of humanitarian principles.

Chapter 6 concludes by drawing together the main findings of the case studies and analyses the extent to which humanitarian action can be said to have prolonged the conflicts that generated the refugee flows. It analyses the divergent attitudes of the aid organisations to the negative consequences of their actions and relates this to questions of responsibility raised in Chapter 1. It argues that the paradoxes of aid are inherent in humanitarian action but are exacerbated by institutional behaviour of aid organisations. Rather than imagining that humanitarian action could 'do no harm', and advocating the expansion of humanitarian action into peace-building activities, it suggests that aid organisations should ensure that the primary aims of humanitarian assistance are upheld. It argues that aid organisations must assume responsibility for the consequences of their actions, not deflect these elsewhere, and that a bottom line of acceptable compromise should be established beyond which aid organisations would refuse to go.

CHAPTER 1

THE PARADOXES OF HUMANITARIAN ACTION

Before discussing the paradoxes of humanitarian action, this study commences with a discussion of the views that pervade the contemporary humanitarian milieu, typified by the notion of 'complex emergencies'. This term is associated with a multitude of ideas about the nature of the post-Cold War international environment and the role of humanitarian action therein. Although the term first appeared in 1989,[1] its adoption in the late 1990s as a euphemism for all manner of political crises and their humanitarian consequences is symbolic of a change in attitude from optimism at the dawn of the new world order, to cynicism and emphasis on international 'disorder' at the end of the decade. Nostalgia for an imagined 'golden age' of humanitarian action and the 'crisp and simple concepts of the Cold War era'[2] permeates much of the contemporary discourse on humanitarian action.

It is important at the outset of this study to distinguish between the myth and reality of changes in the post-Cold War setting in order to establish the relevance of examining cases from the Cold War period. The Cold War/post-Cold War dichotomy has assumed virtually unquestioned status in the literature, with the changes rather than the continuities emphasised. Events and aid operations prior to 1990 are seldom mentioned: the Kurdish, Somali, Yugoslav and Rwandan crises have become the new benchmarks. Hence the first part of this chapter describes the preponderant images of the post-Cold War environment and the major developments that influenced their rise to prominence. It then identifies some of the genuine changes between the two periods that have impacted on humanitarian action. The proliferation in the number and type of actors in the field, and their differing perceptions of the role of humanitarian action, contribute to the perception of 'complexity' in contemporary conflicts.

Having challenged some of the assumptions about the changes in the post-Cold War context, the second part of the chapter examines four paradoxes of humanitarian action

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[1] Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford and Bloomington: Africa Rights and the International Africa Institute in association with James Currey and Indiana University Press, 1997), p. 69.

that have permeated humanitarian relief operations for the past thirty years. Although often depicted as a by-product of the 'new world disorder', the difficult choices and dilemmas confronting humanitarian aid organisations from the negative consequences of aid are essentially the same as in the past. The first paradox is the protection to combatants that refugee camps, 'safety zones', and camps and settlements for internally displaced persons (IDPs) can provide. The second is the contribution of aid to the economy of war. The third is the legitimacy accorded to belligerents through the presence and actions of humanitarian organisations, and the fourth is the role of humanitarian action in the control of populations. These unintended repercussions of humanitarian action are explored in an historical and broader context than refugee camps to illustrate their applicability to the wider humanitarian realm.

The third part of the chapter explores ideas about the contemporary role of humanitarian action that have emerged in response to increased criticism levied at humanitarian assistance and the introspection of aid agencies. There are conflicting views about the role and significance of aid in conflict and the most appropriate ways in which aid organisations can mitigate the negative impact of their assistance. The purpose of humanitarian action and the relevance of the founding principles described in the Introduction are also the subject of debate. Providing a glimpse of contemporary thought on humanitarian action provides some context from which to explore the various reactions of aid organisations to the impact of aid in the case studies in Chapters 2 to 5.

1. 'COMPLEX' EMERGENCIES: A NEW PHENOMENON?

1.1 Contemporary Images of a New World Disorder

It has become the norm in writings and speeches about humanitarian action in the 1990s to stress the complexity of the circumstances to which aid organisations respond. Encapsulated by the label 'complex emergency', contemporary crises are depicted as more difficult than in the past, and are associated with a host of assumptions about the nature of conflict and 'state disruption' in the post-Cold War period. In an influential

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[2] Antonio Donini, 'Beyond Neutrality: On the Compatibility of Military Intervention and Humanitarian Assistance', *The Fletcher Forum* (Summer/Fall 1995): 31-45 at p. 31.

essay published in 1994, Robert Kaplan initiated a trend that suggests that barbarism is on the rise in many parts of the world, particularly Africa, leading a descent into anarchy.[3] Other observers reinforce the perception of the 'senselessness' of post-Cold War conflicts, stating that they 'appear to be little more than rampages by groups within states against one another with little or no apparent ennobling purpose or outcome'.[4] Donald Snow labels them 'uncivil wars'. Jonathan Goodhand and David Hulme further emphasise the distinctiveness of modern conflicts, arguing in an article subtitled 'understanding conflict and peace-building in the new world disorder', that this century has seen a transition from 'an era of "wars" to one of "complex political emergencies"' characterised by the 'complexity and diversity of contemporary violent conflict'.[5]

The aid community appears to have embraced this rhetoric as an explanation for a perceived increase in 'humanitarian crises' and increased difficulties in providing humanitarian assistance. The second paragraph of the United Nations (UN) Secretary-General's 1998 report on the protection of humanitarian assistance exemplifies the central suppositions associated with 'complex emergencies'. It insists on the need to address protection issues in the 'ever more violent and volatile environments in which refugees, displaced persons and other victims of conflicts find themselves and in which the United Nations and other humanitarian organizations are expected to operate.'[6] It then states that:

> Erosion of respect for humanitarian norms has led to an increase in the number of civilian casualties, aggravated the protection and assistance needs of refugees and others in conflict situations, complicated the task of providing humanitarian assistance and increased the risks faced by humanitarian personnel. Ensuring peace and reconciliation in post-conflict societies has also become more difficult in the wake of massive suffering and cruelty, often leading to renewed tensions and fighting.

Similar ideas are echoed among other leading humanitarian institutions. At a conference on 'Humanitarian Action: Perception and Security' in 1998, the Director of the

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[3] Robert Kaplan, 'The Coming Anarchy: How scarcity, crime, overpopulation and disease are rapidly destroying the social fabric of our planet', *Atlantic Monthly* 273, No. 2 (1994): 44-76.

[4] Donald Snow, *Uncivil Wars: International Security and the New Internal Conflicts* (Boulder: Lynne Rienner, 1996), pp. 1-2.

[5] Jonathan Goodhand and David Hulme, 'From wars to complex political emergencies: understanding conflict and peace-building in the new world disorder', *Third World Quarterly* 20, No. 1 (1999): 13-26 at p. 23.

[6] *Report of the Secretary-General on Protection for Humanitarian Assistance and Others in Conflict Situations* (New York: S/1998/883, United Nations, 22 September 1998), paragraph 2.

European Community Humanitarian Office (ECHO), Alberto Navarro, stated that 'humanitarian aid workers [are] forced to work against an escalation of barbarity and lack of respect for Geneva Conventions', and the former European Commissioner, Emma Bonino added that 'combatants no longer considered humanitarian aid to be sacred... shooting at the ICRC [International Committee of the Red Cross] used to be unthinkable'.[7] The Vice-President of ICRC agreed:

> Armed violence was increasingly prevalent along with dwindling respect for human values – coming to grips with these trends is a major challenge for the 21st century. Conflicts had fundamentally changed in nature. The objective of a conflict was often to exterminate the other party on the grounds of race or creed. Civilians had become the main targets. Humanitarian workers were also targeted as unwanted witnesses to mass crime. Organized crime and banditry were often an integral part of destructured military operations.[8]

Reports by non-government organisations (NGOs) assert similar claims: the 1996 Annual report of the International Rescue Committee (IRC) notes the 'increased complexity of refugee emergencies' as a dominant theme of the period,[9] and an influential aid consultant, Mary Anderson states:

> In the Post-Cold War days of the late twentieth century, more and more groups who once lived together are engaged in civil warfare... No one is exempt. The line between combatants and civilians is blurred... Motivated, first, by a humanitarian concern, assistance agencies face increasingly complex circumstances. Not only do they work under conditions of urgency where suffering is acute and extreme, they also work in settings where systems of governance are disrupted or absent, where battlelines are unclear and shifting, where humanitarian codes have collapsed and aid workers are subjected to threats and killing.[10]

These assertions emphasise the originality of the contemporary context, distinguishing it from the Cold War period. The summary of an international workshop on the crisis in the Great Lakes Region noted that 'today, humanitarian assistance has to operate in a very different context', and that 'though plainly unintended, humanitarian assistance has

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7 Alberto Navarro and Emma Bonino, comments attributed in the Final Report from an ECHO-ICRC seminar, 'Humanitarian Action: Perceptions and Security', Lisbon, 27-28 March 1998, p. 4 and 6 respectively.

8 Eric Roethlisberger, comments attributed in the Final Report from an ECHO-ICRC seminar, 'Humanitarian Action: Perceptions and Security', Lisbon, 27-28 March 1998, p. 4.

9 Robert P. DeVecchi, 'The President's Report', *International Rescue Committee Annual Report 1996* http://www.intrescom.org/intro.html, (09/08/99).

10 Mary B. Anderson, *Do No Harm: Supporting Local Capacities for Peace Through Aid* (Cambridge, MA: Local Capacities for Peace Project, Collaborative for Development Action, 1996), p. 3.

de facto *become* highly politicized'.[11] Assertions of the aberrance of the contemporary context even extends to refugee issues: the Special Envoy of the European Union to the Great Lakes Region, Ambassador Aldo Ajello, said that in the Great Lakes crisis, 'we were confronted with a situation which was *completely abnormal*: the coexistence in the [UN]HCR camps of civilian refugees and military forces'.[12]

Two main themes emerge from the representations above. The first suggests that the 1990s environment is more complicated than in the past: the behaviour of combatants is more barbaric; conflicts incur more civilian casualties; battlelines are blurred; and the rules and purposes of warfare are more obscure. The second theme suggests that this increases the risk to aid workers; complicates the task of providing aid; and creates unprecedented challenges to the humanitarian aid community.

Despite the ubiquity of these notions of a 'new world disorder', a cursory glance at history raises doubts about the originality of the evidence underpinning these themes. The refugee-warrior communities discussed in the Introduction refute the 'completely abnormal' status of the Rwandan refugee camps, and shooting at the Red Cross was not previously unthinkable: ICRC ambulance units were deliberately targeted and destroyed by Italian planes in Ethiopia in 1935-36.[13] The distinction between combatants and non-combatants disappeared with the advent of aerial warfare:[14] bombs dropped on cities throughout the Second World War did not discriminate between targets.

Even more serious than the collective historical amnesia is the failure of international observers to recognise that the international system is experiencing a period of relative stability with regard to causes of mortality. Data compiled by the Center for Systemic

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[11] Winrich Kühne, 'Executive Summary and Recommendations', in Winrich Kühne (ed.), *Improving African and International Capabilities for Preventing and Resolving Violent Conflict: The Great Lakes Region Crisis. 2nd International Workshop, Berlin July 3-5, 1997* (Ebenhausen: Stiftung Wissenschaft und Politik, 1997), pp. 13-27 at p. 14 (my emphasis).

[12] Aldo Ajello, 'Opening Statements', in Winrich Kühne (ed.), *Improving African and International Capabilities for Preventing and Resolving Violent Conflict: The Great Lakes Region Crisis. 2nd International Workshop, Berlin July 3-5, 1997* (Ebenhausen: Stiftung Wissenschaft und Politik, 1997), pp. 35-39 at p. 35 (my emphasis).

[13] See Marcel Junod, *Warrior without Weapons* trans. by Edward Fitzgerald (Geneva: International Committee of the Red Cross, 1982), pp. 22-83.

[14] In fact some observers argue that the combatant/non-combatant distinction blurred as far back as the 19th century, when small, professional armies were replaced by enormous conscript armies, and casualty rates among non-combatants rose dramatically. 'Those who remained at home were no longer safe from war's destructive reach'. See Chris af Jochnick and Roger Normand, 'The Legitimation of Violence: A Critical History of the Laws of War', *Harvard International Law Journal* 35, No. 1 (1994): 49-95 at fn 52, p. 63.

Peace show that the rates of global warfare, ethno-political rebellion, and incidence of autocratic authority around the world have steadily *declined* since 1992, as has the number of people forcibly displaced from their homes.[15] The Center clearly shows that 'the magnitude of violence in the world has decreased very sharply and steadily since the Cold War ended.'[16]

A combination of distinct but related factors helps to explain why these misleading images of a new world 'disorder' emerged and persist within the aid community in spite of evidence to the contrary. First, the Cold War/post-Cold War dichotomy assumed axiomatic status in analyses of the international scene of the 1990s, downgrading local determinants of conflict. Second, rather than occupying a central place in the new world order as was widely anticipated, humanitarian action has become a palliative, deployed by politicians to mollify public demands for action. Ineffective when deployed in isolation from political or diplomatic efforts to address the roots of the problem, humanitarian action is increasingly criticised. Aid organisations generally respond to such criticism by emphasising the complexity of the environment. Each of these factors is elaborated briefly below.

1.2 The 'Complex' Environment

The end of the Cold War generated contending images of future international security in humanitarian and security circles. Optimists celebrated the removal of the threat of total nuclear war and the marginalisation of nuclear weapons through renewed commitment to nuclear test-ban treaties and arms agreements.[17] The collapse of the bipolar system removed the constraints imposed on the UN through the veto power of its five permanent members, and the Gulf War (1990-91) saw the Security Council reach unprecedented consensus over collective enforcement action.[18] The enthusiasm was exemplified in former UN Secretary-General Boutros Boutros-Ghali's *An Agenda for*

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[15] The analysis is based on data by the Minorities at Risk Project, US Committee for Refugees, the Polity Project and work by Ted Robert Gurr, see Center for Systemic Peace, *Global Conflict Trends* http://members.aol.com/CSPmgm/conflict.htm (16/10/99).

[16] ibid.

[17] Adam Rotfeld, 'Introduction: The Emerging International Security Agenda', in Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1997* (Oxford: Oxford University Press, 1997), pp. 1-14 at p. 2.

Peace, in which he declared that 'an opportunity has been regained to achieve the great objectives of the Charter - a United Nations capable of maintaining international peace and security, of securing justice and human rights and of promoting, in the words of the Charter, "social progress and better standards of life in larger freedom"'.[19]

The possibility of global cooperation was embraced as some of the rigid pillars of the old world order were challenged.[20] The passage of Security Council Resolution 688 in April 1991 overrode Iraqi sovereignty and authorised the deployment of military forces in support of humanitarian ideals. The withdrawal of Soviet and Vietnamese forces from Afghanistan and Cambodia respectively, and the resolution of conflicts in Central America, were promising developments in an imagined new era of peace. There was hope that the loyalty of dictators to the Eastern or Western bloc would no longer supersede concerns for human rights and good governance, and economic aid would no longer be squandered by self-serving leaders manipulating Cold War rivalry to their advantage.[21] Some even believed that global disarmament would lead to higher flows of development assistance to poorer countries.[22]

Optimism began to wane, however, as the number of major armed conflicts[23] around the world did not continue to decrease in line with earlier trends,[24] and rose with the number of minor armed conflicts[25] in the immediate post-Cold War period. New conflicts

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[18] The closest the UN had come in the past was in Korea in 1950. See Ramesh Thakur, 'UN Peacekeeping in the New World Disorder', in Ramesh Thakur and Carlyle A. Thayer (eds), *A Crisis of Expectations: UN Peacekeeping in the 1990s* (Boulder: Westview, 1995), pp. 3-22 at p. 4.

[19] Boutros Boutros-Ghali, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping* (New York: Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, United Nations, 1992), paragraph 3.

[20] See, for example, Gareth Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (St. Leonards, NSW: Allen and Unwin, 1993).

[21] Alvin Z. Rubinstein, 'Lessons of the Cold War', *Security Dialogue* 25, No. 3 (1994): 295-306 at p. 302.

[22] UNHCR, *The State of the World's Refugees 1997-98: A Humanitarian Agenda* (Oxford: Oxford University Press, 1997), p. 23 and p. 25.

[23] A major armed conflict is defined as contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in more than 1,000 battle-related deaths recorded during the course of conflict. See Peter Wallensteen and Margareta Sollenberg, 'Armed Conflicts, Conflict Termination and Peace Agreements, 1989-96', *Journal of Peace Research* 34, No. 3 (1997): 339-358 at p. 339 and p. 354.

[24] The number of major armed conflicts reduced for the first time in 1988 from 33 at the beginning of the year to 28 at the end. Karin Lindgren, Kenneth Wilson and Peter Wallensteen, 'Major Armed Conflicts in 1988', in Stockholm International Peace Research Institute (SIPRI), *SIPRI Yearbook 1989: World Armaments and Disarmament* (Oxford: Oxford University Press, 1989), pp. 339-355 at p. 339.

[25] A minor armed conflict is defined as incurring more than 25 but less than 1,000 battle related deaths in the course of the conflict. Wallensteen and Sollenberg, 'Armed Conflict 1989-96', pp. 339-340 and

emerged from the remnants of the Eastern bloc, and the viability of several Third World states was thrown into question. States that relied upon economic and military aid supplied by the superpowers according to their perceived or real strategic importance were weakened when the rationale for support disappeared. And as challenges to weakened central authorities proliferated, the ramifications of the arms flows to client states during the Cold War, and the possibility of reduced control over nuclear weapons in the former Soviet Union, heightened concerns of increased violence. Disillusioned observers sought explanations for the perceived change from a world order characterised by high military threat and high stability to one of low military threat and low stability,[26] and began to embrace the views of the pessimists.

Cynical observers of international order argue that superpower rivalry either froze or limited conflicts during the Cold War, thereby imposing 'order' on the international system. Fears of escalation into nuclear confrontation allegedly constrained the extent to which conflicts were permitted to evolve by the superpowers. Predictions of a 'situation far more chaotic than the world of the Cold War' followed the demise of the old system.[27] In the words of one influential critic, 'the world appears to be at the beginning, not of a new order, but of a new nightmare'.[28] 'Ethnicity' was assumed to have replaced 'ideology' as the principal cause of post-Cold War conflicts,[29] exacerbated by what George Bush described as 'age old animosities' in regions such as the former Yugoslavia. Bill Clinton also subscribed to this stereotype, asserting that the end of the Cold War 'lifted the lid from a cauldron of long simmering hatreds.'[30] Scott MacDonald captured the main sentiments:

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p. 354. While these figures are useful to highlight the trends of armed conflicts around the globe, they tell us little about the incidence of repression, genocide, civilian massacres or forced population movements since these events do not fit the definitions regarding 'battle-related deaths'. They exclude, for example, the 1994 Rwandan genocide from their analysis, stating that militias and civilians did the killing. See p. 352.

26 Rotfeld, 'Emerging Security Agenda', p. 4.

27 Stanley Hoffmann, 'Watch Out for a New World Disorder', *International Herald Tribune*, 26 February 1991, p. 6.

28 Charles William Maynes, 'Containing Ethnic Conflict', *Foreign Policy* 90 (Spring 1993): 3-21 at p. 6.

29 See, for example, Remi Russbach and Daniel Fink, 'Humanitarian Action in Current Armed Conflicts: Opportunities and Obstacles', *Medicine and Global Survival* 1, No. 4 (1994): pp. 188-199 at p. 192.

30 Both are quoted in Michael E. Brown, 'Introduction', in Michael E. Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge, MA: MIT Press, 1996), pp. 1-31 at p. 12.

> The 1990s will be one of humankind's most violent decades... the massive upheaval of the current economic changes, together with a thawing of ethnic and regional conflicts suspended by the Cold War, make the parameters of the new world order disruptive and possibly devastating.[31]

The centrality of the Cold War/post-Cold War dichotomy in optimistic and pessimistic analyses of the international environment understated the local rationale of many 'proxy' wars. Conflicts in 'peripheral' states did not disappear with the end of superpower patronage, but continued to be waged over contested political, economic and social claims. 'Ethnic rivalry' is commonly invoked as a rationale for post-Cold War conflicts, but as Jan Nederveen Pieterse states, 'it is not an explanation but rather that which is to be explained. The terminology of ethnicity is part of the conflict and cannot serve as a language of analysis.'[32] Furthermore, conflicts are rarely expressions of 'ancient hatreds' but are rather the result of deliberate, manipulative policies promoted by political actors for specific purposes.[33]

A number of recent studies on the phenomenon of state disruption and the political economy of internal wars provide more lucid explanations of the logic of conflict.[34] The loss of external revenue has led warring factions to increasingly resort to patterns of predatory appropriation of local resources and the criminalisation of economic activity, defined as the production, exploitation or illegal commercialisation of goods and

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31 Scott B. MacDonald, 'The New "Bad Guys": Exploring the Parameters of the Violent New World Order', in Max Manwaring (ed.), *Grey Area Phenomena: Confronting the New World Disorder* (Boulder: Westview Press, 1993), pp. 33-60 at p. 57.

32 Jan Nederveen Pieterse, 'Sociology of Humanitarian Intervention: Bosnia, Rwanda and Somalia Compared', *International Political Science Review* 18, No. 1 (1997): 71-93 at p. 71.

33 See, for example, René Lemarchand, 'Rwanda: The Rationality of Genocide', *Issue: A Journal of Opinion* 23, No. 2 (1995): 8-11; Espen Barth Eide, '"Conflict Entrepreneurship": On the "Art" of Waging Civil War', in Anthony McDermott (ed.), *Humanitarian Force* (Oslo: International Peace Research Institute, 1997), pp. 41-69; Russell Hardin, *One for All: The Logic of Group Conflict* (Princeton: Princeton University Press, 1995); and Human Rights Watch, *Slaughter among neighbors: the political origins of communal violence* (New Haven: Yale University Press, 1995).

34 Paul Richards, *Fighting for the Rainforest: War, Youth and Resources in Sierra Leone* (Oxford and Portsmouth, NH: The International African Institute in association with James Currey and Heinemann, 1996); François Jean and Jean-Christophe Rufin (eds), *Economie des Guerres Civiles* (Paris: Hachette, 1996); David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwest Sudan, 1983-89* (Princeton: Princeton University Press, 1994); Jean-François Bayart, Stephen Ellis and Béatrice Hibou, *The Criminalization of the State in Africa* trans. by Stephen Ellis (Oxford and Bloomington: The International African Institute in association with James Currey and Indiana University Press, 1999); Mark Duffield, 'The Political Economy of Internal War: Asset Transfer, Complex Emergencies and International Aid', in Joanna Macrae and Anthony Zwi (eds), *War and Hunger: Rethinking International Responses to Complex Emergencies* (London: Zed Books in association with Save the Children Fund (UK), 1994), pp. 50-69; and Lionel Cliffe and Robin Luckman, 'Complex political emergencies and the state: failure and the fate of the state', *Third World Quarterly* 20, No. 1 (1999): 27-50.

services for private, as opposed to state, benefit.[35] The erosion of ordered war economies into 'fragmented patterns of violence and asset stripping'[36] has particular implications for humanitarian assistance as it becomes integrated within the dynamics of conflict.

Predatory practices are not a recent development; the looting of property has been a characteristic of wars for centuries. Medieval battles involved widespread pillage and were allegedly fought primarily for material profit.[37] Contracts signed by British military commanders in the Hundred Years War between Britain and France included the 'spoils of war' as a payment of service, and pillage was a key source of finance for armies in 17th century France.[38] In the past, however, such practices could not sustain war indefinitely; once stripped of assets, the local population was of little value. But the advent of humanitarian assistance into the heart of conflicts provides a renewable source of exploitation. There are winners and losers of famines and emergencies, and more than just a weapon of war, 'food and sustenance can also be a necessary goal of conflict'.[39]

Armed movements have also turned increasingly to criminalisation techniques to ensure their survival.[40] Production and trade in internationally banned goods such as opium in Afghanistan,[41] cocaine in Colombia, and ivory from Mozambique earn revenue for factions. The uncontrolled exploitation of legal goods like diamonds in Sierra Leone and Angola, gems and timber in Cambodia, and rubber and timber in Liberia[42] also bring

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35 Jean-Christophe Rufin, 'Les économies de guerre dans les conflits internes', in François Jean and Jean-Christophe Rufin (eds), *Économie des Guerres Civiles* (Paris: Hachette, 1996), pp. 19-59 at p. 41.

36 Mark Duffield, 'Complex Emergencies and the Crisis of Developmentalism', *IDS Bulletin* 25, No. 4 (1994): 37-45 at p. 42.

37 P. Condamine, *War in the Middle Ages* (Oxford: Blackwell, 1980), p. 219 as cited in David Keen, 'A Rational Kind of Madness', *Oxford Development Studies* 25, No. 1 (1997): 67-75 at p. 69.

38 Keen, 'A Rational Kind of Madness', p. 69.

39 Mark Duffield and John Prendergast, *Without Troops & Tanks: The Emergency Relief Desk and the Cross Border Operation into Eritrea and Tigray* (Lawrenceville, NJ: Red Sea Press, 1994), p. 165.

40 Criminalisation practices are not unique to non-state actors but have also become a feature of the state in Africa, defined as 'the routinization, at the very heart of political and governmental institutions and circuits, of practices whose criminal nature is patent, whether as defined by the law of the country in question, or as defined by the norms of international law and international organizations or as so viewed by the international community, and most particularly that constituted by aid donors'. Jean-François Bayart, Stephen Ellis and Béatrice Hibou, 'From Kleptocracy to the Felonious State?', in Jean-François Bayart, Stephen Ellis and Béatrice Hibou, *The Criminalization of the State in Africa* trans. by Stephen Ellis (Oxford and Bloomington: The International African Institute in association with James Currey and Indiana University Press, 1999), pp. 1-31 at p. 16.

41 In early 1992, Afghanistan became the largest producer of opium in the world. See Asger Christensen, *Aiding Afghanistan: The Background and Prospects for Reconstruction in a Fragmented Society* (Copenhagen: Nordic Institute of Asian Studies, 1995), pp. 84-87.

42 For analyses of the war economy in Liberia see: William Reno, 'Foreign Firms and the Financing of Charles Taylor's NPFL', *Liberian Studies Journal* 18, No. 2 (1993): 175-188; Philippa Atkinson, *The*

lucrative profits. Within six months of commencing his offensive in Liberia, Charles Taylor earned over $3.6 million from timber exports to the European Union.[43] Since capturing the Cuango Valley in Angola in 1992, rebels from the National Union for the Total Independence of Angola (*União Nacional para a Independência Total de Angola* – UNITA) have generated some $3.7 billion in revenue from the high-quality diamonds the region produces.[44] The battles for control of Kisangani in the Democratic Republic of Congo (DRC) in September 1999 are largely motivated by the clandestine diamond and timber trade, which has helped finance the military operations of Uganda and Rwanda in the DRC, according to Oxford Analytica.[45]

As reliance on external support gave way to the exploitation of local resources, political movements have tended to fragment and compete for control of resources. Some of the fiercest battles are no longer over the spoils of government but over control of mines, airports, seaports and communication facilitates needed to export the spoils of war. Humanitarian aid is also a target of this wave of criminalisation of legal and illegal economic commodities, both directly and indirectly. This will be discussed further in the next section.

The fragmentation of structures of authority has left aid organisations with fewer reliable interlocutors in the field to ensure their safety. Acceptable conditions and security guarantees may be successfully negotiated with faction leaders, traditional elders and local government representatives, but their control may not extend to all armed elements. These changes legitimately cause new concerns for aid agencies in the field. But pursuing the discourse associated with increased barbarity, irrational warfare, and the erosion of respect for humanitarian norms neglects the fact that aid is now injected into the heart of disintegrating states in which authority and the state's

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War Economy in Liberia: A Political Analysis (London: Paper 22, Relief and Rehabilitation Network, Overseas Development Institute, May 1997); Fabrice Weissman, *L'Aide Humanitaire Dans la Dynamique du Conflit Libérien* (Paris: Fondation Médecins sans Frontières, May 1996).

[43] 'Britain helps turn logs into rebel arms', *The Guardian*, 25 June 1991, p. 9 as cited in Max Ahmadu Sesay, 'Collective Security or Collective Disaster?: Regional Peace-keeping in West Africa', *Security Dialogue* 26, No. 2 (1995): 205-222 at p. 215.

[44] *A Rough Trade: The Role of Companies and Governments in the Angolan Conflict* (London: Global Witness, 1998). Also see 'Angola headache for De Beers', *The Australian*, 25 August 1998, p. 31 for the repercussions of the uncontrolled exploitation on attempts by De Beers to regulate the world market.

[45] Integrated Regional Information Network (IRIN) for Central and Eastern Africa, *IRIN-CEA Update 752 for the Great Lakes* (Nairobi: United Nations Office for the Coordination of Humanitarian Affairs, 7 September 1999).

monopoly of violence is contested, giving it greater prominence as a potential source of exploitation. More aid workers have been killed and injured in the 1990s than previously, but aid organisation and resources are present in greater numbers than ever before. Much of the 'complexity' of contemporary crises resides in the changed response to crises.

1.3 The 'Complex' Response

Apart from a small number of clandestine relief operations undertaken in Afghanistan, parts of Central America, and Ethiopia/Eritrea during the 1980s,[46] aid organisations predominantly operated in refugee camps on the periphery of conflicts during the Cold War. Aid organisations that entered conflict zones did so under the protection of the guerrilla faction in control of the territory. Humanitarian access into conflict zones expanded with the advent of 'negotiated access', pioneered by Operation Lifeline Sudan (OLS) in 1989, which was replicated in Angola and Ethiopia in 1990.[47]

The emergence of the *droit d'ingérence* (the right to intervene) in northern Iraq in 1991 heralded a new era of humanitarian concern, challenging the norm of state sovereignty and expanding humanitarian access. The notion of 'humanitarian intervention' emerged to encompass military involvement beyond enforcement or traditional peacekeeping roles, to establish 'a secure environment for non-military operations, such as electoral monitoring, refugee repatriation, and the distribution of humanitarian relief supplies by civilian agencies'.[48] Bernard Kouchner, one of the strongest advocates of the *droit d'ingérence,* celebrated this 'extraordinary development in our century of horrors and massacres', claiming that Operation Provide Comfort in northern Iraq marked 'the first time the international community prevented genocide, for the first time it permitted a population which was expelled to return to their villages and land'.[49]

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[46] For a detailed discussion of the cross-border relief program from Sudan to Eritrea and Ethiopia which began in 1981, see Duffield and Prendergast, *Without Troops & Tanks.*

[47] De Waal, *Famine Crimes*, pp. 145-146. For more information on OLS, see Larry Minear, *Humanitarianism Under Siege: A Critical Review of Operation Lifeline Sudan* (Trenton, NJ: Red Sea Press, 1991); and Francis M. Deng and Larry Minear, *The Challenges of Famine Relief: Emergency Operations in the Sudan* (Washington: The Brookings Institution, 1992), esp. pp. 83-119.

[48] Mats Berdal, *Wither UN Peacekeeping?* (London: Adelphi Paper 281, International Institute for Strategic Studies, 1993), p. 11.

[49] Bernard Kouchner, 'Sauver les corps' in 'Action Humanitaire Devoir d'Ingérence: Naissance d'un nouveau droit', *Les Cahiers de l'Express* (March 1993), pp. 6-7 at p. 6.

The euphoria, however, was short-lived. The emptiness of promises to intervene in defence of victims of human rights abuses was apparent less than one year later as powerful states remained paralysed when confronted with aggression and atrocities in the former Yugoslavia. A *Médecins sans Frontières* (MSF) publication captured the mood: 'the "new world order" and the "right to intervene" died somewhere along the road from Vukovar to Sarajevo'.[50] The military débâcle in Somalia and the death of US soldiers, followed by the murder of Belgian peacekeepers in Rwanda, crushed enthusiasm for military involvement in so-called 'humanitarian crises', and the failure to stop genocide in Rwanda ended the last vestiges of optimism held by aid organisations in a new humanitarian world order. States retreated to their spheres of national concern, as exemplified by the unilateral military interventions conducted by the French in Rwanda, the US in Haiti, and the Russians in Georgia, and the multinational interventions by the North Atlantic Treaty Organisation (NATO) in Kosovo, and the UN-authorised, Australian-led INTERFET forces in East Timor.

Yet the declining optimism of aid organisations in a humanitarian world order did little to curb humanitarian activities. In fact, the aid industry expanded, in part because of the declining interests of states to engage in conflict resolution activities outside their spheres of direct concern. Aid organisations proliferated as the niche broadened and funding for humanitarian relief increased as a proportion of overall overseas development assistance. Some 250 NGOs were present in Rwanda in the wake of the 1994 genocide, working beside at least 8 UN agencies, three branches of the Red Cross and Red Crescent movement, and military contingents from eight different countries.[51]

Humanitarian action as a highly visible but low-risk remedy for human suffering commends itself to politicians throughout the world. The deployment of humanitarian assistance mollifies the intense yet short-lived impulse of the general public to 'do something' in response to images of suffering. But implying 'good' work and apolitical intent, the deployment of a 'humanitarian response' can conceal one of three ulterior motives of politicians: first, it can be used as an instrument to pursue military or

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50 François Jean (ed.), *Populations in Danger* (London: John Libbey, 1992), p.18.

51 John Borton, Emery Brusset and Alistair Hallam, 'Humanitarian Aid and Effects', Study 3 in David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996), p. 159.

political objectives; second, it can camouflage an absence of political will to address the causes of problems in regions deemed beyond the 'national interest'; and third, it can mask a conscious policy of disengagement designed to avoid interfering in the course of a conflict or political development.

Briefly illustrating each in turn, the 'humanitarian' response to the plight of Iraqi Kurds fleeing oppression by Saddam Hussein was driven by mixed motives. Having incited the Kurds to revolt during the Gulf War, the US-allied forces shared responsibility in their fate. Recalling Henry Shue's distinction between 'compensation for harm caused' and 'humanitarian aid', the intervention to assist the Kurds was in reality the former, although it was loudly proclaimed to be a triumph of humanitarian concern. This perception also disguised the important political and strategic considerations involved: the influx of millions of Kurds into Turkey threatened to destabilise the region. Thus the 'humanitarian' operation returned the Kurds to their villages and supplied them with aid, while effectively denying their rights to asylum and contributing nothing to resolving the political issues at the root of their troubles.

The second and most common deployment of humanitarian action by politicians in the 1990s is as a palliative to cover an absence of political will to become involved in crises outside direct national concern. This policy was exemplified in the Rwandan crisis, when UN member states ignored the genocide which required a political response, but appeased public consciences through mounting an elaborate 'humanitarian' response to a cholera epidemic among refugees. This is examined in more detail in Chapter 5.

The third diversionary function of humanitarian action is similar to the second, except that instead of disguising an absence of a political strategy to address the crisis, humanitarian action can disguise a conscious decision of non-interference. One example of this strategy was provided by former French President François Mitterrand, who allegedly believed in 1992 that a Serb victory in Bosnia-Hercegovina was the least bad available option. Thus to avoid interfering, yet to appease the public pressure to act, Mitterrand played a humanitarian card, flying to Sarajevo and successfully negotiating with the Bosnian Serbs for the reopening of the airport to humanitarian supplies.[52] He

[52] See David Rieff, 'The Lessons of Bosnia: Morality and Power', *World Policy Journal* 12, No. 1 (1995): 76-88 at pp. 86-87; and Jean-Christophe Rufin, 'The Paradoxes of Armed Protection', in

appeared to assist the victims of aggression, but did nothing to stop the advance of the Bosnian Serbs.

The 'humanitarian' label given to events and responses in the 1990s has been an important factor in permitting this obfuscation to occur. As the 'lowest common denominator' in negotiations among states, the term has seen unprecedented use in UN Security Council resolutions since 1990.[53] But the situations that create a need for humanitarian assistance, the context in which this is provided, and the resolution of the causes of human distress are determined in the political sphere. Unless the political parameters of crises are addressed, humanitarian action is doomed to failure. Although aid organisations are aware of this and frequently lament 'the humanitarian alibi' of politicians, the language that they engage assists the deception.

Although the term 'complex emergency' has acquired prominence as a descriptive category in the literature, and is the subject of typologies[54] and numerous attempts at definition,[55] it blurs rather than illuminates the contemporary context. It confuses the specificities of war, famine, epidemics, drought, population displacement, massacres, and genocide, and renders irrelevant the precedents from the 'simple' past. One observer recently remarked that the vogue for labelling crises 'complex emergencies' is a means with which to conceal 'that one does not know what is going on'.[56] But more insidious than this, the term actually distorts understanding, making no distinction between the causes of suffering, instead defining the crisis in terms of the required 'multi-faceted

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François Jean (ed.), *Life, Death and Aid: The Médecins Sans Frontières Report on World Crisis Intervention* (London: Routledge, 1993), pp. 111-123 at p. 120.

53 Adam Roberts, *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum* (Oxford: Adelphi Paper 305, IISS/Oxford University Press, 1996), pp. 15-16.

54 It is difficult to see the point of these typologies. One produced by Raimo Väyrynen is at odds with conventional usage of the term, arguing that Bosnia was a 'simple humanitarian emergency' because it only contained two of the four criteria of 'complex emergencies', being war, displacement, disease, and hunger. The typology of Cliffe and Luckman is more insightful in illuminating the characteristics of contemporary conflicts, but as they admit, the exercise represents a simplification of specific complex realities. See Raimo Väyrynen, *The Age of Humanitarian Emergencies* (Helsinki: World Institute for Development Economics Research, United Nations University, 1997) and Cliffe and Luckman, 'Complex political emergencies and the state'.

55 Some authors favour a causal definition while others emphasise the complex response required. Prendergast, for example, defines a complex emergency as a 'multicausal political crisis with major humanitarian repercussions' whereas Donini suggests that 'the new wave of emergencies became 'complex', mixing the political, the military and the humanitarian'. See John Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder: Lynne Rienner, 1996), p. 1, and Antonio Donini, 'The Future of Humanitarian Assistance' (Tokyo: Paper Presented at the UNU Symposium on the UN System in the 21st Century, 21-22 November 1995), p. 6.

56 Gwyn Prins, 'Modern Warfare and Humanitarian Action', Final Report of ECHO-ICRC Seminar 'Humanitarian Action: Perceptions and Security', Lisbon, 27-28 March 1998, p. 13.

response'. The causes of these crises are political, some consequences may be humanitarian. But labelling them 'complex emergencies' and 'humanitarian crises' disconnects the consequences from the causes and permits the international response to be assigned – and confined - to the humanitarian domain.

The following section examines some paradoxical consequences that have accompanied humanitarian action since its inception, and illustrates that many of the contemporary problems confronting aid organisations are the same as in the past.

2. THE PARADOXES OF HUMANITARIAN ACTION

The profound paradox of humanitarian action is its potential to contradict its purpose: it can sustain the source of the suffering that it was deployed to mitigate. The potential for humanitarian action to prolong war is in fact inherent in the foundation of modern humanitarian activity.[57] The idea of providing protection and assistance to wounded soldiers on the battlefield was at the heart of the birth of contemporary humanitarian action, proposed by the founder of the Red Cross, Henri Dunant, after he witnessed the aftermath of the Battle of Solferino in 1859. His idea, and its codification in international law, created a protected space in war to limit unnecessary suffering by permitting the protection and treatment of wounded combatants. But the inter-governmental agreement that ensued made no provision to prevent the return of the wounded to combat. Thus the sanctuary is imbued with a fundamental contradiction: the treatment of combatants, although a humanitarian act, enables them to return to battle, hence potentially prolonging the war and the suffering that humanitarian action seeks to alleviate.

In addition to this inherent and inevitable contradiction in humanitarian activity, the creation of a protected space in conflict and the provision of material assistance to civilians and others deemed *hors de combat* is immediately open to manipulation by combatants. It is these functions that Rufin identifies as the major advantages of refugee camps over a purely military sanctuary for guerrilla movements, and they are prevalent

[57] Of course prolonging a 'just war' is not necessarily a bad thing, and may preserve human dignity and alleviate longer-term suffering if freeing people from tyranny and oppression. Even 'just wars' cause the death and suffering of innocents, however, and the purpose of humanitarian action is to assist members of humanity on that basis alone, and not according to their political, religious or other convictions. We will return to this question later in the thesis.

to varying degrees whenever humanitarian action is provided in times of conflict. Four of the unintended negative consequences of humanitarian action are examined in a broad context below. The significance of each is then assessed in the case studies in Chapters 2 to 5.

- The protection to belligerents that refugee camps, 'safe areas' and camps for internally displaced populations provide;
- The contribution of humanitarian assistance to the economy of war;
- The legitimation of belligerent parties, individuals, and political causes through the presence and actions of aid organisations;
- The role of humanitarian action in establishing and maintaining control over populations.[58]

2.1 Protection

Combatants benefit from refugee camps, 'safety zones' and other humanitarian sanctuaries in times of war by virtue of the 'protected' status of the area, or of the civilians residing therein, under international humanitarian law and refugee law. Their presence in such places is violative of the law that inadvertently protects them. As Michael Walzer remarks, 'if civilians had no rights at all, or were thought to have none, it would be of small benefit to hide among them'.[59] The notions of 'humanitarian sanctuaries' and 'refugee-warriors' are 'a contradiction in terms and proscribed'[60] in international law, but in the absence of enforcement mechanisms to ensure compliance with the law, the 'protected space' can be manipulated to serve military purposes. This abuse violates the principles on which the protected space is based, to the detriment of the civilians it is created to protect. This section briefly examines some of the provisions of international humanitarian law and refugee law pertaining to the protection of

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[58] Henceforth, this phrase will be shortened to 'population control', despite its quite different meaning in popular parlance.

[59] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1992), p. 186.

[60] Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 276.

civilians before turning to some of the constraints faced in ensuring the civilian nature of protected areas, from which combatants benefit.

All provisions of international humanitarian law as codified in the Geneva Conventions of 1949 and Additional Protocols of 1977 hinge on the fundamental distinction between 'combatants' and 'protected persons'.[61] During international armed conflict the latter group includes wounded, shipwrecked and sick members of the armed forces and civilians; prisoners of war; civilians on the territory of the enemy; and civilians in occupied territories. During non-international armed conflict, the distinction is between those using force and those who do not or who no longer can. Civilians, as 'non-combatants', are entitled to protection under international humanitarian law as long as they remain civilians and do not take part in hostilities. Not only are attacks against civilians forbidden, but so are 'acts or threats of violence the primary purpose of which is to spread terror among the civilian population'.[62] Indiscriminate attacks, reprisals against the civilian population, and the use of civilians as a shield from attack or to shield military operations, are also prohibited.[63] In addition to individuals, the Fourth Geneva Convention and Additional Protocol I contain measures designed to protect areas or institutions, including demilitarised zones, medical establishments, and neutral zones that might be instituted by agreement or an ad hoc declaration.[64]

Combatants are obliged under international law to distinguish themselves from the civilian population, except 'where, owing to the nature of hostilities an armed combatant cannot so distinguish himself'.[65] According to Hans-Peter Gasser, this refers to exceptional situations of belligerent occupation and wars of national liberation in which case combatants are permitted to 'go underground' and hide among civilians as guerrilla

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61 Hans-Peter Gasser, 'International Humanitarian Law: An Introduction', Separate Print from Hans Haug, *Humanity for All* (Geneva: Henry Dunant Institute/Haupt, 1993), p. 24. (In the early 1870s, Henri Dunant began spelling his name with a 'y', hence the inconsistency. See Caroline Moorehead, *Dunant's Dream: War, Switzerland and the History of the Red Cross* (London: HarperCollins, 1998), p. 127.

62 Additional Protocol I, Article 51, para. 2

63 Additional Protocol I, Article 51, para. 4, 5 and 7.

64 See Frédéric Maurice and Jean de Courten, 'ICRC Activities for Refugees and Displaced Civilians', *International Review of the Red Cross* 280 (January-February 1991): 9-21 at p. 12.

65 Additional Protocol I, Article 44, para. 3.

fighters.[66] However, they are required to carry arms openly preceding an offensive and during each military engagement so that they are recognisable as combatants.[67]

International humanitarian law is applicable during times of international and internal[68] armed conflict, and extends to refugees as long as they flee to a belligerent or occupied country, or one that is beset by an internal conflict. International humanitarian law does not protect refugees who flee armed conflict to the territory of a state that is not taking part in armed conflict.[69] Jean-Philippe Lavoyer notes that this was the case with, *inter alia*, the Afghan refugees in Pakistan and Iran; Iraqi refugees in Iran after the Gulf War, and Rwandan refugees in Zaire, Burundi and Tanzania.[70]

Refugees are protected under refugee law, although protection is predominantly framed in legal rather than physical terms.[71] The refugee regime is premised on the principle that if a state cannot or will not uphold its responsibility to provide protection to its nationals, then a country of asylum, with the assistance of UNHCR if requested, will provide such protection. The core principle of protection is *non-refoulement*, the obligation of host governments to refrain from returning refugees to their countries of origin against their will. The right to seek asylum is also recognised in Article 14 of the Universal Declaration of Human Rights.

The distinction between combatants and non-combatants is also a central tenet of refugee protection, and the concept of a refugee and the mandate of UNHCR are embedded in a humanitarian, apolitical and civilian discourse. The granting of asylum by a state has been pronounced 'a peaceful and humanitarian act and that, as such, it

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66 Gasser, 'International Humanitarian Law', p. 55.

67 ibid.

68 The provisions relevant to internal armed conflict are contained in Article 3 common to the 1949 Geneva Convention and Additional Protocol II. See Denise Plattner, 'The protection of displaced persons in non-international armed conflicts', *International Review of the Red Cross* 291 (November-December 1992): 567-580.

69 Jean-Philippe Lavoyer, 'Refugees and internally displaced persons: International humanitarian law and the role of the ICRC', *International Review of the Red Cross* 305 (March-April 1995): 162-180 at p. 168.

70 ibid., fn 22, p. 168.

71 International refugee law is predominantly based on the 1951 Convention on the Status of Refugees; the 1967 Protocol relating to the Status of Refugees; the 1969 Convention of the Organisation of African Unity Governing the Specific Aspects of Refugee Problems in Africa; the 1984 Cartagena Declaration on Refugees; and resolutions adopted by the Executive Committee of UNHCR and the UN General Assembly.

cannot be regarded as unfriendly by any other State',[72] and refugee camps should have an 'exclusively civilian and humanitarian character'.[73] Exclusion clauses contained in the 1951 and 1969 Conventions disqualify from refugee status persons alleged to have committed *inter alia* war crimes, serious non-political crimes, and acts 'contrary to the purposes and principles of the United Nations', and the OAU Convention prohibits the engagement of refugees in subversive activities against their home countries. The protection bestowed on refugee camps is also derived from broader norms of state behaviour, particularly respect for state sovereignty.[74]

The lack of protective provision in international law for civilians displaced within their national borders has been the subject of increased attention in the 1990s. Although protected by international humanitarian law during times of armed conflict and by international human rights law at other times, specific initiatives have been proposed to enhance protection, in particular the Guiding Principles on Internal Displacement that were presented to the UN Commission on Human Rights in 1998 by the UN Representative for Internally Displaced Persons, Francis Deng.[75] The 1990s have also seen the advent of 'safety zones' created in conflict areas, designed to protect victims *in situ*, and facilitate humanitarian access to them. Such 'safety zones' include the 'safe haven' established in northern Iraq in 1991; the 'open relief centres' in Sri Lanka that provide protection, shelter and relief to people displaced temporarily by military action; the French military *Zone humanitaire sure* (Safe Humanitarian Zone) in south-west Rwanda in 1994; and the 'safe areas' established by the UN Protection Force (UNPROFOR) in Bosnia and Hercegovina in 1993 (see Box 1).[76] Other variations

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[72] Noted in the Preamble of the *United Nations Declarations on Territorial Asylum*, UN General Assembly Resolution 2312 (XXII) of 14 December 1967 and reaffirmed in Article 2 (2) of the Organisation of African Unity *Convention Governing the Specific Aspects of Refugee Problems in Africa* of 1969.

[73] In 1987 the Executive Committee of UNHCR urged host and other states to do all within their capacity to ensure the civilian and humanitarian character of refugee camps. See 'No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements' (Executive Committee - 38th Session, 1987) in *Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme* (Geneva: UNHCR, 1991), pp. 109-111.

[74] See *Note on the Protection of Refugees in Armed Conflict Situations* (Geneva: EC/SCP/25, Sub-committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, 33rd session, 4 October 1982).

[75] See Roberta Cohen, 'Recent trends in protection and assistance for internally displaced people', in Janie Hampton (ed.), *Internally Displaced People: A Global Survey* (London: Earthscan and Norwegian Refugee Council, 1998), pp. 3-9.

[76] For further discussion on 'safety zones' see Yves Sandoz, 'The Establishment of Safety Zones for Persons Displaced within their Country of Origin', in Najeeb Al-Nauimi and Richard Meese (eds), *International Legal Issues Arising under the United Nations Decade of International Law*

include 'corridors of tranquillity' negotiated between the warring parties in Sudan, and 'humanitarian corridors' to protect relief supplies.

Although refugee camps and 'safety areas' must, according to the law, retain a purely civilian or demilitarised nature, in practice this has seldom been assured. The previous chapter noted the widespread incidences of refugee-warrior communities over the past 40 years, and 'safety zones' have similarly harboured insurgents. Box 1 discusses the use of 'safe areas' in Bosnia and Hercegovina by the Bosnian government in spite of the presence of international forces, and the 'safe humanitarian zone' established by the French *Opération turquoise* also hosted a military force. The presence of militia among civilians continued in camps for the internally displaced in south-west Rwanda once the unilateral military operation became a UN peacekeeping effort.

The infiltration of refugee camps and safety zones by combatants has generated violent consequences on many occasions. Some 4,000 displaced persons were massacred at the Kibeho camp in south-west Rwanda in April 1995 as a result of the violent forced closure imposed on the camps because of strong suspicions of insurgents inside.[77] Radovan Karadizic imposed a blockade of 'safe areas' in Bosnia, declaring that 'if the Muslims continue to use the enclaves, the UN Safe Havens, to attack us, we shall cut off all humanitarian aid, and they may count on counter-attacks'.[78] Srebrenica and Zepa were over-run in 1995. Many refugee camps have been subjected to armed attacks, the majority from colonial armies in Africa. Rhodesian forces attacked Zimbabwean refugee camps in Mozambique and the South African Defence Forces attacked camps housing South African and Namibian refugees in Botswana, Lesotho, Swaziland, Zimbabwe and Angola.

(Dordrecht: Martinus Nijhoff Publishers, 1995), pp. 899-927; B.S. Chimni, 'The Incarceration of Victims: Deconstructing Safety Zones', in Najeeb Al-Nauimi and Richard Meese (eds), *International Legal Issues arising under the United Nations Decade of International Law* (Dordrecht: Martinus Nijhoff Publishers, 1995), pp. 823-854; Karin Landgren, 'Safety Zones and International Protection: A Dark Grey Area', *International Journal of Refugee Law* 7, No. 3 (1995): 437-458; Andrew Shacknove, 'From Asylum to Containment', *International Journal of Refugee Studies* 5, No. 4 (1993): 516-533; UNHCR, *State of the World's Refugees 1997-98: A Humanitarian Agenda*, pp. 128-140.

[77] This is discussed further in Chapter 5.

[78] As cited in Stephan Oberreit and Pierre Salignon, 'Bosnia: In Search of a Lasting Peace', in Médecins sans Frontières, *World in Crisis: The politics of survival at the end of the twentieth century* (London: Routledge, 1997), pp. 122-143 at p. 130.

Box 1: 'Safe Areas' in Bosnia-Hercegovina

The 'safe areas' created during the Bosnian War (1992-1995) to protect predominantly Muslim civilians from Serb attack served an important role for Bosnian Government forces as a strategic base in the midst of enemy territory. Six safe areas were established by the UN in April and May 1993 in the towns of Srebrenica, Sarajevo, Tuzla, Zepa, Gorazde and Bihac. The creation of protected areas was prompted by the Bosnian Serb siege of Srebrenica in early 1993 that cut off all humanitarian supplies to the town, resulting in many deaths.

These safe areas were located in Bosnian Serb-held territory and surrounded by artillery, but placed under the protection of UNPROFOR. Security Council Resolution 836 of 4 June authorised UNPROFOR 'to use force in self-defense or in deterring attacks against the safe areas', and authorised UN member states, acting nationally or through regional organisations, to use all necessary means, including airpower, to support UNPROFOR. The Resolution also charged the peacekeepers with promoting the withdrawal of military and paramilitary units from the safe areas other than those of the Bosnian Government. However, since the removal of forces from only the Bosnian Serb side would have been considered a hostile military act, the UNPROFOR Force Commander preferred a negotiated demilitarisation of the safe areas.[79]

In reality, however, UNPROFOR had neither the capacity to demilitarise or to defend the safe areas. Of the 34,000 troops requested by the Force Commander to implement the protection scheme, only 7,600 materialised after one year. The Bosnian Government allegedly used the safe areas as bases for rest, recuperation and resupply of troops, and launched attacks from the enclaves into the surrounding territory, such as the Bihac offensive in November 1994. Susan Woodward claims that these offensives were aimed at provoking Serbian artillery fire to invoke NATO air attacks against Serb positions, and to 'reinforce their propaganda strategy of being the victims of Serb aggression and deserving military assistance'.[80] There were also reports that the Bosnian Government did not assist in the defence of Gorazde in order to encourage increased NATO involvement in the conflict.[81]

To the Bosnian Serbs, these safe areas were not humanitarian enclaves, but strategic zones of the Bosnian Muslims, and in July 1995 two of the safe areas, Srebrenica and Zepa, were over-run by Serb forces. Thousands of civilians died in Srebrenica; up to 20,000 people were killed in or around safe areas in 1995.[82] Woodward says that, 'the creation of safe zones, motivated largely by the humanitarian objective, thus made possible an escalation of the war and further exposure of civilians to bombardments'.[83] The obvious lack of demilitarisation of the safe areas gave the Bosnian Serbs a pretext to attack. They knew that, even if bombed as a consequence, they would either regain the territory or pressure the UN to ensure the neutrality of the safe areas, thereby depriving the Bosnian Government of strategic bases. But Adam Roberts claims that there was no way that the zones could have been neutralised since neither the Bosnian Government nor the civilian inhabitants would have been willing to trust their security to the UN forces.[84]

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79 Oliver Ramsbotham and Tom Woodhouse, *Humanitarian Intervention in Contemporary Conflict: A Reconceptualization* (Cambridge, UK: Polity Press, 1996), p. 185.

80 Susan L. Woodward, *Balkan Tragedy: Chaos and Dissolution After the Cold War* (Washington: The Brookings Institute, 1995), pp. 320-321.

81 Ramsbotham and Woodhouse, *Humanitarian Intervention in Contemporary Conflict*, p. 186.

82 *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica* (New York: UN General Assembly Document A/54/549, November 1999). This report states that there is no credible evidence to substantiate claims that the attack was provoked by Bosnian Muslim attacks from the enclave.

83 Woodward, *Balkan Tragedy*, p. 321.

84 Adam Roberts, 'The role of international issues in international politics in the 1990s', *International Review of the Red Cross* 833 (March 1999): 19-43.

Enforcing compliance with the law to prevent the use of refugee camps and safety zones by combatants, and to prevent attacks against them by belligerent forces, is the major constraint on effective protection of civilian populations. 'Safety zones' have predominantly been declared by the UN Security Council and 'protected' by international troops, thereby giving the responsibility of enforcing the rules to the international force in accordance with its mandate, capabilities and political will to act. In fact, if imposed upon the parties, rather than the result of consent, the protected zones fail to meet the requirements of international humanitarian law.[85]

The issue of armed attacks on refugee camps, by contrast, is a more complicated question, principally because of contending views as to whether the primary onus lies with asylum countries to ensure the exclusively civilian nature of refugee camps, or with states to abstain from attacking them. This debate paralysed attempts in the Executive Committee of UNHCR between 1982 and 1987 to forge a consensus in favour of prohibiting armed attacks against refugee camps, with asylum states advocating categorical condemnation of attacks under all circumstances, and the 'Western caucus' arguing that camps harbouring military elements may constitute a legitimate target of attack.[86] The Conclusion reached in 1987 was a compromise based on 'reciprocal concessions': it was expressly recognised that attacks against refugee camps cannot be justified, but the Conclusion was predicated on the assumption that refugee camps and settlements had an exclusively civilian and humanitarian character.[87]

Embedded in this debate were opposing claims of a 'just war' waged by the refugees to secure a return home versus the right of states to respond in self-defence to external

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[85] Lavoyer, 'Refugees and internally displaced persons', p. 176.

[86] In 1981 Ambassador Felix Schynder was appointed by the Executive Committee of UNHCR to survey the problem of armed attacks on refugee camps in the hope that this 'would lead to the adoption of measures which would make refugee camps and settlements safer from military attacks than they so far have been'. 'No. 27 (XXXIII) Military Attacks of Refugee Camps and Settlements in Southern Africa and Elsewhere (Executive Committee – 33rd Session, 1982)' in *Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme*, p. 61. The polarised discussion of Schnyder's report is contained in *Informal Meeting on Military Attacks on Refugee Camps and Settlements in Southern Africa and Elsewhere* (Geneva: EC/SCP/27, Sub-committee of the Whole on International Protection, Executive Committee of the High Commissioner's Programme, 6 June 1983). For comprehensive discussions of the debate see Elly-Elikunda Mtango, 'Military and Armed Attacks on Refugee Camps', in Gil Loescher and Laila Monahan (eds), *Refugees and International Relations* (Oxford: Oxford University Press, 1989), pp. 87-121, and M. Othman-Chande, 'International Law and Armed Attacks in Refugee Camps', *Nordic Journal Of International Law* 59, Nos 2&3 (1990): 153-177.

aggression. Camps housing refugees and combatants who had fled colonial repression were generally perceived to have a just cause, and attacks on them generated condemnation, as exemplified by the outrage which followed the 1958 French bombing of the camp at Sakiet-Sidi-Youssef in Tunisia.[88] The fact that the camps provided sanctuary to combatants from the Algerian *Front de Libération Nationale* garnered little sympathy for the actions of the French Government. Under the African Charter for Human and Peoples' Rights, in fact, African states are obliged to support armed struggles conducted by national liberation movements, and the clauses of the OAU Convention prohibiting subversive activities were not intended to contradict this commitment.[89] 'Freedom fighters' were considered to be one of three categories of refugee recognised by the OAU: in the inaugural address to a conference on African refugees in 1979, President Julius Nyerere of Tanzania stated that 'the OAU recognises their [the 'freedom fighters'] right to pursue the struggle for liberation, and the right of the host country to aid them with the full approval and support of the OAU if its Government so decides.'[90] The right of refugees to become militarised when holding 'legitimate grounds for opposing a regime under which they had been persecuted' was recently reiterated by a participant at a workshop on refugee return held at Princeton University.[91]

The protective function of refugee camps relies heavily upon the influence of international opinion to condemn armed attacks against camps and settlements. Hence perceptions of the 'justness' of the refugee-warrior cause, the popularity of the victims, and the international standing of the perpetrating regime are important variables. States already alienated internationally as 'pariahs', such as the apartheid regime in South Africa, the Heng Samrin Government in Cambodia and to a lesser extent the Israeli

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87 'No. 48 (XXXVIII) 1987: Military or Armed Attacks on Refugee Camps and Settlements', in *Conclusions on the International Protection of Refugees*.

88 According to Rufin, the bombing polarised public opinion in France, caused an international stir and led to a French ministerial crisis, the last of the 'IVth Republic' before Charles de Gaulle came to power. Jean-Christophe Rufin, *Le Piège Humanitaire suivi de Humanitaire et politique depuis le chute du Mur*, revised and updated edn (Paris: Jean-Claude Lattès, 1994), pp. 119-120. The event received widespread attention and was mentioned in Franz Fanon's classic *The Wretched of the Earth* trans. Constance Farrington (Middlesex: Penguin, 1983 (1961)), p. 224.

89 Mtango, 'Military and Armed Attacks on Refugee Camps', p. 88.

90 Julius K. Nyerere, 'Inaugural Speech', in L-G. Erikson, G. Melander and P. Nobel (eds), *An Analysing Account of the Conference on the African Refugee Problem, Arusha, May 1979* (New York: Africana Publishing Company, 1981), 65-71 at p. 67.

91 Anne Bayefshy and Michael Doyle, *Emergency Return: Principles and Guidelines* (Princeton: Centre for International Studies, Princeton University, 1999), p. 28.

Government, had less reason to fear the moral wrath of the 'international community', than states with reputations to protect. Each of these regimes conducted attacks on refugee camps. Similarly, during the Bosnian war shaming the parties through publicly denouncing human rights violations was one of the major tactics employed by international agencies to try to curb such abuses. But as Woodward notes:

> Those parties who already had widespread international support were more vulnerable to international opinion but less likely to be exposed, whereas those who were most accused of such atrocities and on whom media attention focused –the Bosnian Serbs in the case of Bosnia-Herzegovina–were far less susceptible because they had little international support to lose or to try to maintain.[92]

The refugee-warrior phenomenon and the military use of 'safety zones' create strong tensions between the competing obligations of civilians, combatants, host governments, the UN, donor governments, international aid organisations and peacekeepers. At the field level, the difficulty of reconciling the legitimate desire of refugees or oppressed populations to fight for their freedom with the need to ensure the physical safety of civilian refugees is compounded by practical constraints. Even if the purely civilian and humanitarian nature of refugee camps and 'safety zones' is assured in theory, can it be in practice? Host states and UNHCR are urged to establish refugee camps 'a reasonable distance' from international borders,[93] but the cost of moving camps, opposition from refugees, and fears of permanent settlement held by host governments, often make this impossible.[94] Thus the practicalities of implementing the law are complicated.

2.2 *Humanitarian Aid and the Economy of War*

The relationship between accumulation and power is basic to societies throughout the world. Jean-François Bayart noted in *The State in Africa: The Politics of the Belly* that in many African countries political power is expressed in terms of food and accumulation: the authors of Nigeria's constitution even defined political power as 'the opportunity to acquire riches and prestige, to be in a position to hand out benefits in the

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92 Woodward, *Balkan Tragedy*, p. 322.

93 'No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements', in *Conclusions on the International Protection of Refugees*, p. 111.

94 For some of the constraints to physical protection which endured after the 1987 Conclusion see *Note on International Protection* (New York: General Assembly document A/AC.96/7, Executive Committee of the High Commissioner's Programme 39th session, 15 August 1988).

form of jobs, contracts, gifts of money etc to relations and political allies'.[95] Development aid, largely channelled bilaterally through government structures in previous decades, has long been prone to misappropriation and diversion. As the strategic importance of many Third World states declined, or international donors no longer countenance the corruption permitted in the past in the name of the fight against communism, humanitarian aid has come to be 'the North's principal means of political crisis management in a now marginal South'.[96] Channelled directly to beneficiaries rather than through local structures of government or authority, humanitarian assistance becomes integrated in power struggles and conflict at many different levels.

Table 1, adapted from Philippa Atkinson's typology of the war economy in Liberia,[97] illustrates three levels at which humanitarian aid contributes to the war economy, in legal and illegal forms. The macro denotes central government departments or the administrative equivalents of factions; the meso represents regional or local government, local commanders, or traditional authorities or elders; and the micro signifies activities organised by individual combatants, civilians and merchants. Many of the contributions of humanitarian aid to the war economy occur in a legal sense, neither violating laws of the country nor international laws. Some fall into a 'grey area', indicating that precise laws may not apply, but the activity 'forms a relatively unthreatening part of local survival strategies',[98] and other activities are illegal. The theft of humanitarian assistance is increasingly specified as violative of the law: in the Abuja II peace agreement of August 1995 in Liberia, for example, adverse interference with relief constituted a cease-fire violation, and UN Security Council Resolution 794 affirmed that those who deliberately impeded the delivery of food and medical supplies in Somalia would be held individually responsible.[99]

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[95] Jean-François Bayart, *The State in Africa: The Politics of the Belly* (London: Longman, 1993), p. xvii.

[96] Duffield, 'Complex Emergencies and the Crisis of Developmentalism', p. 40.

[97] Atkinson, *The War Economy in Liberia*, p. 8.

[98] ibid., p. 7.

[99] For a discussion of S/Res/794 declaring 'a right to humanitarian relief' in Somalia see David P. Forsythe, 'Choices More Ethical Than Legal: The International Committee of the Red Cross and Human Rights', *Ethics and International Affairs* 7 (1993): 131-151 at p. 146.

Table 1: The Contribution of Humanitarian Aid to the Economy of War

	Macro	Meso	Micro
Legal	Import taxes	Housing rental	Assistance to local authorities
	Immigration fees	Car rental	
	Warehouse rental	Truck rental	
	Purchase of food	Purchase of locally manufactured products	Purchase of local raw materials
	Taxation of salaries	Taxation of salaries	Taxation of salaries
	Airport/port charges		
	Administration fees		
	Exchange rates		
Grey Area	Obligatory employment of certain staff	Obligatory employment of certain staff	Employment of guards
		Aid channelled through 'humanitarian branch' of faction	Provision of fuel for local escorts
		Taxation of beneficiaries	Taxation of beneficiaries
Illegal	Government misuse of aid	Checkpoint extortion	Checkpoint extortion
	Bribery and corruption	Looting materials from aid agencies	Looting beneficiaries after distribution
	Black-market purchase and currency exchange	Protection rackets	Trading in looted goods
		Inflated beneficiary numbers	

Although taxing local salaries is legal - and a lucrative revenue earner at the macro level during large operations - the taxing of aid beneficiaries is categorised as 'grey area' here to indicate that the practice might be for legitimate purposes or might be predatory. Aid organisations do not generally compensate for taxation, thus the practice potentially deprives recipients of a minimum acceptable ration. Beyond a certain point 'taxation' is simply theft and is illegal. Similarly the compulsory employment of certain staff falls into a 'grey area' while it is innocuous, but becomes illegal if applied, for example, to the hiring of armed guards as part of a protection racket (See Box 2). The development

of security rackets like those of Somalia can multiply the number of employees hired by agencies. One NGO in Baidoa paid $28,000 per month for security in 1993.[100]

Directing aid through the 'humanitarian branch' of a local faction can also have beneficial or harmful consequences. During the 1980s, the Consortium of aid agencies called the Emergency Relief Desk had a successful partnership with the Relief Society of Tigray and the Eritrean Relief Association that were affiliated to the Tigrayan People's Liberation Front (TPLF) and the Eritrean People's Liberation Front (EPLF) respectively. The Fronts had a strong commitment to the public welfare of civilians in their areas of control.[101] The Sudan People's Liberation Movement (SPLA), by contrast, has a predatory relationship with the local population, and its humanitarian branch, the Sudan Relief and Rehabilitation Agency (SRRA) is much the same. Officially empowered by OLS to participate in the targeting and distribution of humanitarian assistance, the misappropriation of aid and the discriminatory distribution practices employed by the SRRA during the 1998 famine were major constraints to reducing mortality, according to MSF.[102]

At the macro level, exchange rates imposed on local currency are one of the largest areas of revenue earnings. In the relief operation for the Kurds in northern Iraq, for example, the UN was required to conduct all transactions at the official exchange rate, generating some $250 million profit for the central government in 1992 alone.[103] Import duties, visas, airport and port charges, travel permits, licences and other 'administrative fees' can also generate substantial sums of money for authorities, from the 5,000 Liberian dollars ($10) berthing fee for boats at the port of Greenville in south-east Liberia[104] to the $150 per tonne levied on aid flights to the interior of Mozambique.[105] House, office and warehouse rental, and truck and small vehicle hire also generate

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100 The NGO administrator specified that this payment was for 178 guards at $160 per month to guard 2 warehouses, 30 vehicles, 7 houses, and 2 offices. See John Sommer, *Hope Restored? Humanitarian Aid in Somalia, 1990-1994* (Washington: Refugee Policy Group, 1994), 85 and fn 93 on p. 108.

101 For a comparison between the EPLF and TPLF and the SPLA see Duffield and Prendergast, *Without Troops & Tanks*, pp. 164-167.

102 *A Review of the famine in Southern Sudan and the organization of relief assistance* (Paris: Médecins sans Frontières, January 1999).

103 P. Vallely, 'How he is Getting Cash', *Daily Telegraph*, 25 August 1993 as cited in François Jean, 'Aide Humanitaire et Économie de Guerre', in François Jean and Jean-Christophe Rufin, *Économie des Guerres Civiles* (Paris: Hachette, 1996), pp. 543-589 at fn 2, p. 568.

104 Weissman, *L'Aide Humanitaire Dans la Dynamique du Conflit Libérien*, p. 45.

105 *Conspicuous Destruction: War, famine and the reform Process in Mozambique* (Africa Watch, 1992) as cited in Jean, 'Aide Humanitaire et Économie de Guerre', p. 570.

revenue for local contractors, companies and individual merchants and feed into systems of patronage.

Box 2: MSF and the Economy of War in Somalia

The Paris office of MSF conducted a detailed evaluation of activities undertaken in Somalia between January 1991 and May 1993,[106] and specifically questioned the extent to which MSF activities potentially contributed to the war economy. Somalia was not the first country in which MSF had worked with armed guards; clandestine missions into Afghanistan were undertaken with Afghan *mujahideen* fighters who guarded against Soviet attack. It was, however, the first time such security had been paid for.

Arriving in Mogadishu for the first time in January 1991, MSF commenced working in the Digfer General Hospital which was under government control until Said Barre was forced to flee Mogadishu at the end of that month. General insecurity and shots fired at the team forced MSF to evacuate twice in January, but by early February security guarantees from the victorious Hawiye forces enabled a return, this time to Medina Hospital. Insecurity was rife: in the hospital patients were armed; vehicles mounted with a machine gun (known as a 'technicals') drove into hospital grounds, right to the operating theatre; and MSF were forced at gunpoint to tend to the wounds of certain patients in preference to others. The team decided that it was impossible to continue unless a system of security was established to control entry to the hospital and, since the Hawiye had divided into two opposing sub-clans, one under Ali Mahdi (Abgal) and the other under Mohammed Farah Aidid (Habir Gedir), both were approached to provide protection. Aidid provided 'police' at the entrance to the hospital, but when this proved ineffective, MSF accepted the proposal of Osman Ato, one of Aidid's top officials, to supply armed guards.

Armed guards had previously been employed by humanitarian organisations in Somaliland, and the only other organisations present in Mogadishu at that time, ICRC and SoS also found it impossible to protect lives and property without resort to this method. But what started as a concession to enable MSF to operate the only surgical facility in the war zone developed into an entire security industry, not only contributing to the war economy, but creating a vicious circle of dependence from which it was difficult to escape. The need for armed guards extended to vehicles once the first MSF car was stolen in April 1991 and became a permanent fixture from July. The question of whether such guards should be paid arose, but what other method could ensure reliability and give some element of independence from their political source? But the revenue gained by Osman Ato made him dangerous; if MSF tried to organise a trip without his security, the team risked attack from his very men. The racket had commenced. Guards demanded higher pay and NGOs had no recourse to alternative sources of protection. This problem amplified in July/August 1992 when scores of new agencies and the media arrived in earnest, launching an entire security industry. Lack of coordination and agreement on salary scales among NGOs led to exorbitant salary demands and some organisations were literally held hostage by their own guards.

MSF estimates that in the 3-month period from October to December 1991, the organisation paid some $60,000 to Osman Ato in the form of house and 'technical' rental, truck hire and guards. Excluding inflation caused by the fluctuation of the Somali Shilling, this figure can be extrapolated to surmise that some $400,000 was paid to Ato by MSF in Somalia.

[106] Virginie Raisson and Serge Manoncourt, *MSF-France en Somalie: Janvier 1991 - Mai 1993: Evaluation de la mission* (Paris: Médecins sans Frontières, 1994).

The principal impact of humanitarian assistance on the economy of war at the meso and micro levels occurs through the pillage, diversion and extortion of aid supplies by local authorities, militias, bandits and merchants. At the simplest level, the direct theft of food and non-food items before, during and after distribution is a common occurrence during times of conflict. Food and medical supplies can be used directly by combatants or sold locally or in a neighbouring country. Woodward says that more than half of all aid in the former Yugoslavia supported the war effort through feeding and supplying soldiers,[107] whereas much of the food and medical supplies looted in Somalia were sold across the border in Kenya.

Vehicles and equipment belonging to aid organisations are valuable commodities for individuals or factions. In 1994, aid organisations in Liberia had more than $5 million worth of materials stolen during inter-factional clashes, including 74 vehicles, 27 trucks, 18 motorcycles, communication equipment, computers, and thousands of tons of food.[108] This was surpassed in 1996 by the loss of $20 million in equipment during clashes in Monrovia.[109] Aid organisations curtailed their operations after each incident and several debated continuing assistance to the country when aid supplies so blatantly reinforced the operational capacity of the warring factions.[110]

Other methods used to divert aid supplies include demanding payment as a condition of access, and inflating beneficiary numbers. Charles Taylor demanded 15 percent of all aid entering the territory he controlled in Liberia in 1995, to be paid in cash or in kind. In the zone controlled by the regional peacekeeping force, ECOMOG (Economic Community of West Africa Monitoring Group), the numbers of displaced persons was exaggerated by the local authority responsible for registration, the Liberian Refugee Repatriation and Resettlement Commission. The World Food Programme (WFP) and Catholic Relief Services (CRS) distributed food in camps around Buchanan for 200,000 persons although the epidemiological information collected by the medical organisations suggested that no more than 130,000 resided in the camps. Empty trucks were in evidence at the outskirts of the camp during each distribution, waiting to collect the

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107 Woodward, *Balkan Tragedy*, p. 319.

108 Weissman, *L'Aide Humanitaire Dans la Dynamique du Conflit Libérien*, p.48.

109 Atkinson, *The War Economy in Liberia*, p. 21.

110 See, for example, Jean-Daniel Tauxe, 'Liberia, la logistique humanitaire en question', *Revue Internationale de la Croix Rouge* 819 (May-June 1996): 379-381.

excess food and resell it in Monrovia.[111] Furthermore, a food-basket monitoring survey undertaken by MSF in 1995 found that the displaced did not receive the ration to which they were entitled, but on average 20 percent less. Fabrice Weissman estimated that between 47 and 60 percent of aid was diverted in the camps of Buchanan.[112]

The banditry in Somalia took the diversion of food aid to unprecedented levels. Beneficiary numbers were not just inflated by local factions or authorities, but fictitious villages were registered for distribution. According to Alex de Waal, false committees were also formed to represent real villages and divert the food, and real villages were coerced into signing for receipt of aid that did not or only partially arrived.[113] Estimates of the quantity of food stolen in Somalia vary from 20 percent to 80 percent: most Somali Red Crescent staff interviewed by de Waal believed that half of the food distributed by the Red Cross was looted, diverted or extorted.[114]

In spite of the increased attention in the literature concerning the implication of aid in the dynamics of conflict, aid organisations and donors rarely attempt to quantify the contribution of aid to the war economy. A guide to evaluating humanitarian assistance produced by the Organisation for Economic Co-operation and Development (OECD) in 1999 notes that:

> reliable empirical evidence of the degree to which humanitarian assistance is diverted is often lacking even though such knowledge may be fundamental to understanding the impact of the assistance provided either on the intended target group or in potentially providing warring factions with additional resources.[115]

In fact some evaluations ignore the broader impact of the war economy altogether. The Dutch Government's relatively detailed evaluation of their $42 million of aid to Somalia between 1991 and 1993, for example, specifically addresses the side-effects of the aid delivered through various UN agencies, NGOs and ICRC, yet concludes that the largest negative side-effect of aid was 'the slow return to food production because relief

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111 Personal observations in 1995.

112 Weissman, *L'Aide Humanitaire Dans la Dynamique du Conflit Libérien*, p. 71.

113 Alex de Waal, 'Dangerous Precedents? Famine Relief in Somalia 1991-93', in Joanna Macrae and Anthony Zwi (eds), *War and Hunger: Rethinking International Responses to Complex Emergencies* (London: Zed Books in association with Save the Children Fund (UK), 1994), pp. 139-159 at p. 146.

114 ibid.

115 *Guidance for Evaluating Humanitarian Assistance in Complex Emergencies* (Paris: Development Assistance Committee, Organisation for Economic Co-operation and Development, 1999), p. 8.

supplies had flooded the market'.[116] Although mentioning security payments made to factions, the wider repercussions of this were excluded from the assessment of the effectiveness and efficiency of the aid provided.

Considering the amount of aid money and supplies that directly contributed to the arsenal of warring factions in Liberia and Somalia, aid organisations are understandably reluctant to publicise such information. Not only might it jeopardise the 'good' image of aid among individual donors in the public, but it provides fuel to arguments against giving aid or in favour of military intervention. Claims of 80 percent losses in food aid in Somalia by senior officials of the UN and CARE were a major influence in the US decision to intervene. The intervention occurred several months after the peak of deaths, and, at the cost to the US alone of over $1.5 billion,[117] saved between 10,000 and 25,000 lives. Aid organisations saved some 90,000 lives prior to December 1992,[118] yet the failings of the aid organisations are still invoked to justify the intervention. According to Michael Kelly:

> The point being made in relation to the NGO effort prior to the UNITAF deployment is that, without military intervention, relief efforts in Somalia were not effective enough. In many ways they were counterproductive... The military intervention was justified, necessary and extremely successful in reducing and preventing excess mortality from famine, war and genocide. The debate over where the military intervention went wrong goes to matters beyond this fundamental core of the mission.[119]

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[116] *Humanitarian Aid to Somalia: Evaluation Report 1994* (The Hague: Operations Review Unit, Ministry of Foreign Affairs, The Netherlands, 1994), p. 302. Mention is made of the accusation that ICRC acted as a resource for so-called 'warlords' thus potentially prolonging the conflict, but it is dismissed in three short paragraphs of text. The report only considers the claim in light of the diversion of food aid and concludes that: 'the scale of the military arsenal stored in Somalia was such that the commodification of food supplies relieved the warlords of a social responsibility, but did not affect the military balance'. p. 173

[117] The US spent $1.5 billion on military expenditure, as opposed to $311 million on humanitarian assistance, and $470 million on UN contributions (paid and unpaid) between April 1992 and July 1994. The incremental costs of Operation Restore Hope were estimated at $1.97 billion in Defense Department spending and assessments for subsequent UN military efforts. Sommer, *Hope Restored?*, p. 72 and Appendix C5.

[118] One of the most comprehensive evaluations of the international response in Somalia, conducted by the Refugee Policy Group, estimated that some 50,000 lives were saved between 1991 and August 1992; 40,000 were saved between September and December 1992; and 10,000-25,000 from December to March 1993. Steven Hansch, et al., *Lives Lost, Lives Saved: Excess Mortality and the Impact of Health Interventions in the Somalia Emergency* (Washington: Refugee Policy Group, 1994), pp. 28-32.

[119] Michael Kelly, *Peace Operations: Tackling the Military Legal and Policy Challenges* (Canberra: Australian Government Publishing Service, 1997), paras 722-723.

Notwithstanding the use of information about the impact of aid on war economies by opponents of aid, quantitative evaluations are essential if aid organisations are to minimise their negative effects. Whether of direct military benefit to combatants or indirect through its fungibility in releasing resources for military use, humanitarian aid has the potential to prolong conflict.

2.3 Legitimacy

Humanitarian action, through its media appeal and the services it brings, can bestow legitimacy on individuals, organisations, rebel movements and governing regimes. This can occur from the local village level to the international arena. While much of the legitimacy conferred through the provision of aid may pass unnoticed by the aid organisations, and be genuinely unintended, the political credibility that accompanies the provision of aid has long been recognised by governments.

The reluctance of the US to recognise the Bolshevik regime in 1921, for example, delayed decisions to provide aid in spite of the catastrophic famine that threatened 40 million lives. Lenin overcame his initial reticence to request external assistance and issued an appeal in July 1921 amid reports of mass starvation, cannibalism and the sale of human flesh. In contrast to the European aid organised by famous Norwegian explorer Fridtjof Nansen, the US attached conditions to the aid to minimise the support this would lend to the Bolsheviks and Red Army.[120] Nevertheless, the famine relief bolstered the regime, enabling the resumption of export of Russian cereals in 1922, while 'disloyal' areas like the Ukraine were still affected by famine. Alain Destexhe argues that Western aid not only permitted the Soviet regime to survive and overcome the most difficult point of its brief history, but it 'opened the way for the resumption of commercial and diplomatic exchanges with the West, which had always been the principal objective'[121] of the Soviet regime. The Biafran leadership similarly exploited the legitimising qualities of humanitarian action during the Nigerian Civil War (1967-70), as Box 3 explains.

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[120] See Alain Destexhe, *L'Humanitaire Impossible ou deux siècles d'ambiguïté* (Paris: Armand Colin, 1993), pp. 40-46 for a more detailed discussion of aid to Russia at this time.

[121] ibid., p. 45.

Obtaining local and international legitimacy and recognition are important objectives of any political movement, whether holding power or contesting the authority of a governing regime. Humanitarian action can legitimise movements and individuals in several ways. First, negotiations undertaken by aid organisations with faction leaders and local commanders to secure access and security guarantees implicitly recognise their authority over a territory or population. The need to gain the consent of local commanders for aid shipments entering regions of the former Yugoslavia, for example, reinforced the authority of the faction over that territory. Woodward says that the Bosnian Serbs had few other sources of legitimacy, having been branded as aggressors by the international community.[122] The recognition of military leaders is magnified if the international media are present. When US Special Envoy to Somalia, Robert Oakley, shook hands with Mohammed Farah Aided and Ali Mahdi in front of the international press, he accorded them recognition as the legitimate representatives of the Somali people. In doing so, Oakley undid months of thoughtful negotiation by the former representative of the UN Secretary-General, Mohamed Sahnoun, who was promoting traditional elders and grassroots associations as alternative sources of authority.[123]

Second, by participating in relief activities, individuals and political movements can gain local and international kudos. Gayle Smith says that in the Horn of Africa liberation movements gained international status, 'not because their claims or demands have been accepted, but because they became active players in international relief operations'.[124] Local leaders can claim credit for attracting a health centre, water supply or food to an area, and may direct aid towards supporters and away from opponents, to consolidate political power. Channelling food through the 'humanitarian branch' of a rebel faction helps to legitimise the force.

Third, the presence of an international organisation in itself can accord legitimacy to a faction or regime, whether it publicly comments on humanitarian concerns or remains

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[122] Woodward, *Balkan Tragedy*, p. 319.

[123] Before his resignation in October 1992, Sahnoun attempted to create an environment for serious peace talks, 'not so much between the faction leaders as between new leaders being promoted by the grassroots process'. Sahnoun was attending talks of Somali intellectuals in the Seychelles when he received the message from Boutros-Ghali that provoked his resignation. Mohamed Sahnoun, *Somalia: The Missed Opportunities* (Washington: United States Institute of Peace Press, 1994), p. 40.

[124] Gayle E. Smith, 'Relief Operations and Military Strategy', in Thomas G. Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993), pp. 97-116 at p. 108.

discreet. One party to justify its own acts, for example, can exploit public denunciations of the actions of an opposing party: labelling 'victims' creates 'perpetrators'. But remaining silent about atrocities and abusive policies can also lend countenance to them: as organisations professing to uphold certain principles of humanity, the presence and participation of international aid agencies can be a strong propaganda tool in the service of governments or insurgents. This is particularly true of ICRC whose mandate, reputation and discretion imbues its presence with a particularly affirming quality. The guided visit of ICRC to the 'model' Nazi concentration camps at Theresienstadt during World War II raises harsh questions about the relationship between silence and complicity. But ICRC frequently confronts more subtle contexts in which it must weigh up the legitimacy its presence bestows upon a regime or faction against the benefits of a presence for individuals in needs of protection and assistance. David Forsythe discusses the compromise that ICRC made in South Africa between 1969 and 1987, where ICRC was granted access to prisoners like Nelson Mandela, but not to prisoners under interrogation and awaiting trial.[125] Noting that prisoners are usually subjected to worse treatment in military or police detention facilities immediately after arrest than when transferred to the normal penal system, Forsythe points out that ICRC was unable to visit the prisoners with the highest risk of mistreatment. Yet ICRC's presence in South Africa accorded the government some respectability, implying that the regime cooperated with international inspection. Mandela remarked in his autobiography that the prison authorities respected and feared ICRC because 'avoiding international condemnation was the authorities' principal goal'.[126] In 1987 ICRC withdrew from South Africa, considering that the limitations imposed on its actions outweighed the benefits of remaining. But as Forsythe says, 'that took a quarter of a century, during which time the government was allowed both to claim cooperation with the ICRC and to torture and mistreat prisoners, sometimes fatally - as in the case of Steve Biko'.[127]

The fourth way in which humanitarian action bestows legitimacy on, and potentially sustains a state or local authority, is through fulfilling the social obligations normally required of a regime towards its citizens. This problem was recognised at the birth of humanitarian action: Florence Nightingale disagreed with Henri Dunant's proposal to

[125] Forsythe, 'Choices More Ethical Than Legal', pp. 139-140.
[126] Nelson Mandela, *Long Walk to Freedom* (London: Little, Brown and Company, 1994), p. 396.
[127] Forsythe, 'Choices More Ethical Than Legal', p. 139.

create a civilian medical service, arguing that it would relieve states from part of the burden of going to war.[128] Walzer explains the importance of the social contract:

> The moral standing of any particular state depends upon the reality of the common life it protects and the extent to which the sacrifices required by that protection are willingly accepted and thought worthwhile. If no common life exists, or if the state doesn't protect the common life that does exist, its own defense may have no moral justification.[129]

The increasing 'internationalisation of public welfare', as it is referred to by Mark Duffield[130] has seen a transfer of 'state' responsibilities for the welfare of citizens to the international community, particularly NGOs. Not only does this process have repercussions for post-emergency state building, but by fulfilling such responsibilities, humanitarian action potentially allays local dissent that might otherwise arise to challenge the legitimacy of the local power. It is not unreasonable to suggest that without the presence of NGOs in Afghanistan to meet the basic needs of the population in Kabul and the south, for example, the *Taliban* might have faced earlier opposition to their rule when the populations under their control, particularly widows and children of 'martyred' warriors, were not cared for.

The legitimacy that humanitarian action can inadvertently bestow upon warriors or local officials is in many respects the negative side of the popular development notion of 'empowerment'. Authors like Anderson advocate empowering local players during emergency relief operations, and criticise the contemporary relief system for making aid recipients 'passive dependents on the competence of outsiders' through relying upon external aid providers to establish, manage, and control the emergency response.[131] Although she recognises the bestowal of legitimacy on warriors as a negative consequences of aid in her later work *Do No Harm*[132] she overlooks the subjectivity inherent in labelling one action 'empowerment' and the other 'legitimacy'. Calls for

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[128] Dunant's proposal threatened to undermine the efforts of Nightingale to improve British army medical services after her return from the Crimea. After reading his book, *A Memory of Solferino*, she wrote to him expressing her opposition to the establishment of a volunteer corps. See Moorehead, *Dunant's Dream*, pp. 29-32.

[129] Walzer, *Just and Unjust Wars*, p. 54.

[130] Duffield, 'The Political Economy of Internal War', p. 57.

[131] Anderson, 'Development and the Prevention of Humanitarian Emergencies', p. 30.

[132] Mary B. Anderson, *Do No Harm: How Aid can Support Peace – or War* (Boulder: Lynne Rienner, 1999), pp. 50-53.

local empowerment assume that aid organisations arriving at the scene of a crisis have the capacity and right to judge who merits legitimacy and power and who does not.

Box 3: Humanitarian Action and Legitimacy in Biafra

The Nigerian Civil War (1967-70) provides one of the most insidious examples of the use of suffering and humanitarian action to gain international legitimacy. In May 1967, Colonel Odumegwu Ojukwu, Governor of the oil-rich province of Biafra declared independence, provoking a secessionist war with Nigerian Government forces. The Nigerian Government imposed a blockade of the territory, effectively employing starvation as a weapon of war given Biafra's inadequate productive capacities. Widespread famine resulted. By the time news of the famine was broadcast internationally in mid-1968 in what was the world's first televised famine, the Federal forces had defeated the secessionists militarily. But by using the famine to mobilise international public opinion in Biafra's favour, the struggle for independence continued, and engaged humanitarian action as a key player in the contested sovereignty of either side.

International opinion was important to both sides of the conflict. The Federal Government invited international observer teams to Nigeria to inspect the conduct of the war; eased enforcement of the blockade on relief supplies following international pressure; and sought international reinforcement of its claims by insisting that relief organisations recognise Nigeria's sovereignty over Biafra, and submit relief flights to inspection in Federal territory before entering Biafra. For the Biafran leadership, however, international opinion constituted the key to its primary objective, sovereign independence, and was 'assiduously courted'.[133] While using the plight of his people to gain international sympathy and attention, Ojukwu hindered efforts to bring relief to Biafra. Not only was it in his interests to keep the starvation issue alive, but he preferred to receive arms and politically supportive assistance rather than just humanitarian relief.

Aid organisations devised complicated programs of relief delivery to circumvent the prohibitions of the Federal Government and the Biafran leadership. Ojukwu refused a Federal proposal to establish a relief corridor through the blockade, arguing that this might weaken Biafra's claim to sovereign status; facilitate Nigerian attacks once roads and bridges were repaired; and that the Nigerians might poison the food.'[134] Thus all supplies had to be airlifted in and land at night since the Federal authorities did not grant approval. Concerned that aid flights provided cover to arms shipments, the aid organisations requested different landing times, but the Biafran leadership refused. Moreover, the Biafrans imposed charges for landing rights for relief flights and local supplies and services, which constituted a major source of the secessionist's foreign exchange; $3.5 million according to one official.'[135]

The intransigence of Ojukwu increased with the extent of external support. Aid organisations and activists flew to the defence of the Biafran cause, accusing the Nigerian Government of genocide, although 7 million Ibo people lived without persecution in government-held regions. At the height of the famine, which claimed over 1 million victims, Ojukwu chose to print new legal tender and stamps while aid organisations struggled to save starving civilians. He appeared on television stating 'in the long term we have achieved quite a lot. No matter what one says, indeed, if the 14 million people, Biafrans, are killed, the notion of Biafra will persist until the end of time. That is an achievement'.[136] The flight of Ojukwu to the Ivory Coast in January 1970 put an end to the fighting.

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133 Alvin Edgell, 'Nigeria/Biafra', in Morris Davis (ed.), *Civil Wars and the Politics of International Relief: Africa, South Asia and the Caribbean* (New York: Praeger, 1975), pp. 50-73 at p. 53.

134 ibid.

135 John de St. Jorre, *The Nigerian Civil War* (London: Hodder and Stoughton, 1972), p. 250 as cited in Edgell, 'Nigeria/Biafra', p. 68.

136 As cited in *La Pitié Dangereuse*, a French Documentary by Rony Brauman and François Margolin, Arte, 85 minutes, June 1996.

Thus the presence and actions of international aid organisations and the media, and the provision of humanitarian assistance, can confer international and internal legitimacy on regimes, rebel factions and individuals in a variety of ways. Legitimacy and the next paradox of humanitarian action examined, population control, are two sides of the same coin. The legitimacy of authority is an important aspect in gaining influence and control of civilian populations, and having control and influence over civilian populations is an important aspect of gaining legitimacy.

2.4 Population Control

The fourth paradox of humanitarian action is its role as a tool in the control of civilian populations. The exercise of power and influence over a population can take three forms: a coercive form through the use of force; a manipulative form through the dispensation of material rewards; and a normative form through the use of shared values and symbolic rewards. Humanitarian aid is a useful instrument in the second form, particularly to influence population movements and to win the 'hearts and minds' of civilians.

The control of populations and territory is a key objective of conflict, and food has been used as a weapon of war for thousands of years. Just as destroying food supplies in a region will force the occupants to move, so providing or denying humanitarian relief can control the movement of civilian populations. The converse is also true: detaining a malnourished population in a particular location attracts humanitarian assistance to that locale, which may serve strategic, political or economic objectives. Charles Taylor's demand of 15 percent of aid supplies entering his territory in Liberia mentioned previously, for example, came after he invited NGOs to witness the malnutrition among segments of the population under his control. Aid organisations had been absent from his territory since the massive theft of aid supplies the year before. Another Liberian faction, the Kromah branch of the United Liberation Movement for Democracy in Liberia also used this tactic in July 1996, detaining 350 civilians without food in a camp 30 kilometres from Monrovia to attract humanitarian assistance to the region.[137]

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[137] *Civilians Trapped in Hunger Camp: Abuse of humanitarian aid by Liberian warlords must stop* (Monrovia and Brussels: Médecins sans Frontières Press Release, 10 July 1996).

The use of humanitarian assistance as a lure was illustrated starkly in Ethiopia during the devastating famine of 1983-1985 (Box 4), where food distribution sites became traps at the service of the Ethiopian Government. Aid also influenced population movements in the former Yugoslavia, where forced migration was an essential feature of the war. While less a tool of population control per se, the provision of humanitarian aid to towns encouraged the occupants to stay, while depriving them of aid forced the occupants to leave. Aid organisations faced a quandary whether to assist the residents to remain, thereby risking their physical safety, or assist them to leave, thereby aiding the policy of ethnic expulsion.

> In Bosnia, forced population displacements are not simply the consequence of war, they are its main purpose, and the relief organisations are not only reduced to impotence by this strategy of terror, they are actually trapped into becoming its unwilling accomplices, as they sometimes endeavour to evacuate those whose lives are most at risk.[138]

Aid organisations were divided over the best strategy to pursue with regard to the evacuation of civilians. According to Kathleen Newland, UNHCR was reluctant to evacuate any but sick or injured civilians from conflict zones to avoid assisting the racial objectives of the belligerents, advocating bringing safety to people rather than taking people to safety.[139] ICRC, by contrast, argued that this was a secondary concern to the humanitarian imperative to alleviate suffering. Neither position was without repercussions: ICRC was accused of having participated in ethnic expulsions by the Bosnian authorities,[140] and the UN 'safe areas' gave a false sense of security, shattered by the fall of Srebrenica and the disappearance of over 7,000 of the town's residents.

Humanitarian assistance can be most effectively used as a tool of control when the civilian population is dependent upon it. Refugee camps provide effective mechanisms through which to manipulate civilians, containing a 'captive' population which is dependent on regularly distributed supplies. Eftihia Voutira and Barbara Harrell-Bond discuss the various social relationships present in refugee camps and the power grids

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[138] François Jean (ed.), *Populations in Danger 1995: A Médecins Sans Frontières Report* (Rushcutters Bay, NSW: Halstead Press, 1995), p. 80.

[139] Kathleen Newland, 'Ethnic Conflict and Refugees', *Survival* 35, No. 1 (1993): 81-101 at p. 98.

[140] Alain Maillard, 'Nous sommes arrivés aux limites du tenable', *L'Hebdo* 16, 18 April 1996, pp. 16-18 at p. 16.

that evolve in the distribution of aid.[141] The transfer of goods and principles of reciprocity bind refugees in relationships of power that increase in strength with the proximity of the assistance to its recipients. They state that 'the ultimate authority in the chain of distribution lies with the person, whether foreign aid worker or refugee, who performs the penultimate act in the chain of handlers, "tipping" the grain into the sack of the kneeling beneficiary'.[142] Aid becomes an important tool of control; reducing or withholding food and other rations pressures refugees to conform to the wishes of the aid distributors.

Text book prescriptions of refugee camp management stress that 'the level of refugee participation will determine the success or failure of a project'.[143] Refugees are encouraged to elect or appoint representatives to speak on their behalf, and competition for such a role can be fierce. The social hierarchy can change in refugee camps as humanitarian aid becomes a source of patronage, and refugees with a western education are sought to advise and work with aid organisations. Voutira and Harrell-Bond state that there is rarely a sense of political solidarity among refugee populations despite the apparent commonality of their experience in the country of origin.[144] The refugees are often highly factionalised, and control of the aid distribution channels can be an essential mechanism with which to secure support for one faction over another. Information networks such as radio broadcasts, newspapers, and community meetings are also avenues through which to disseminate messages and propaganda, and the education curricula at schools can indoctrinate the younger generation with a particular version of history and events. Refugee camps also provide an environment conducive to recruitment of combatants. At the time of writing, Tanzanian officials report that Burundian rebels are recruiting refugees from five refugee camps in western Tanzania and slipping them out of the country for military training.[145]

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[141] Eftihia Voutira and Barbara E. Harrell-Bond, 'In Search of the Locus of Trust: The Social World of the Refugee Camp', in E. Valentine Daniel and John Chr. Knudsen (eds), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), pp. 207-224 at p. 211.

[142] ibid., pp. 211-212.

[143] Médecins sans Frontières, *Refugee Health: An approach to emergency situations* (London: Macmillan, 1997), p. 31.

[144] Voutira and Harrell-Bond, 'In Search of the Locus of Trust', p. 218.

[145] Rodrique Ngowi, 'Burundi Rebels Recruiting Refugees', *Associated Press*, 19 January 2000.

Box 4: Famine and Population Control in Northern Ethiopia

Contrary to the prevailing views of the time, the principal cause of the devastating famine in northern Ethiopia in 1983-85 was the counter-insurgency campaign of the Ethiopian army and air force directed against opponents of the government of Colonel Mengistu Haile Mariam. Famine was a weapon of war; drought, harvest failure and unsound government agricultural policies were secondary causes.[146] Although the regime was initially reluctant to allow Western aid organisations and media into the country, this changed as it turned the international humanitarian action to its economic, diplomatic and military advantage. Relief was thoroughly manipulated, denied to non-government held areas and used as a weapon to control populations in the north.

Relief supplies and equipment became a particularly effective tool in the government resettlement plan. Ostensibly designed to relocate northerners away from the 'famine-prone' region for their benefit, it served to deprive the opposition movements of a base of local support, and to advance the government policy of collectivisation. Humanitarian aid and equipment was used to orchestrate this plan. Food distribution centres became traps, attracting populations to a central location from which many were forcibly recruited into the army, or signed up for transfer to the south in accordance with quotas set by Addis Ababa.[147] Aid was the bait, and the presence of international NGOs imbued the program with an element of legitimacy and security; some NGOs and UN agencies even assisted in the deportation process, espousing the government rationale about preventing future famines. To facilitate the deportations the government requisitioned trucks and cash meant for famine relief in the north, and food was withheld from those who refused to leave. Jason Clay noted that 'in some camps the Ethiopian government did not allow children to receive food from Western agencies until their parents agreed to be resettled. MSF eventually left Ethiopia after an estimated 6,000 children died in a camp where they had adequate materials for assistance but were not allowed to distribute them because, according to government officials, a sufficient number of adults had not agreed to be resettled.'[148]

The populations were transported in deplorable conditions to the south. No effort was made to keep families, villages or ethnic groups together. Many died en route. Almost all destination villages lacked infrastructure, and the new arrivals were required to clear land and construct their shelter. Due to the lack of health care and sanitation, tropical disease inflicted a high toll on the weakened population. A US Agency for International Development (USAID) survey in two sites in Pawe found mortality rates to be 7-15/10,000/day from illness and malnutrition, and subsequent data indicated that between October 1985 and January 1986, nearly one quarter of the 85,000 people in Pawe died.[149] The aid agency Concern recorded a similar statistic for other sites and estimated that 100,000 of the 500,000 people transferred had died.[150] Many other settlers fled to Sudan as refugees. Clay suggests that resettlement may have become the single most important cause of mortality in Ethiopia in 1985.[151]

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146 De Waal, *Famine Crimes*, p. 115.

147 François Jean, *Ethiopie: Du Bon Usage de la Famine* (Paris: Médecins sans Frontières, 1986), p. 57. Also see Rony Brauman, 'Foreword', in Médecins sans Frontières, *World in Crisis: The politics of survival at the end of the twentieth century* (London: Routledge, 1997), pp. xix-xxvi at p. xxiii.

148 Jason Clay, 'Ethiopian Famine and the Relief Agencies', in Bruce Nichols and Gil Loescher (eds), *The Moral Nation: Humanitarianism and US Foreign Policy Today* (Notre Dame: University of Notre Dame Press, 1989), pp. 232-277 at p. 264.

149 As documented in Jean, *Ethiopie: Du Bon Usage de la Famine*, p. 73.

150 The results of the population transfers remain controversial, with some aid officials, particularly Kurt Jansson, former director of the UN Office for the Emergency Operations in Ethiopia, refuting the mortality figures and discrediting the agencies that produced or cited them. Kurt Jansson, Michael Harris and Angela Penrose, *The Ethiopian Famine* (London: Zed Books, 1990), pp. 24-26.

151 Clay, 'Ethiopian Famine and the Relief Agencies', p. 262. See footnote 13, pp. 271-273 for a discussion of how mortality figures were estimated.

Donor governments are also not averse to using humanitarian action to influence a population. The US Food for Peace Program was created not to reduce hunger but to increase US influence abroad and reduce US agricultural subsidies.[152] Donors and host governments sometimes use aid to encourage refugee repatriation. Food rations are reduced, camp closure threatened, and assistance packages offered as incentives to stimulate repatriation. Pressure from the Kenyan Government to close the Somali refugee camps in 1993, for example, prompted UNHCR to develop a program to encourage refugees to return to Somalia. Combined with announcements of intention to close the refugee camps and the provision of a three month ration pack, issued upon return of the camp ration card, UNHCR funded and implemented Quick Impact Projects inside Somalia to create conditions conducive to refugee return.

From the preceding discussion, it is evident that the paradoxes of humanitarian action are not a recent phenomenon. This section began by suggesting that modern humanitarian action is imbued with the potential to prolong conflict, and the ensuing discussion identified some of the factors that support this. The prominence of humanitarian issues in the 1990s has increased scrutiny of humanitarian assistance: it has been accused of fuelling and prolonging conflict with increased frequency, although not necessarily substance. Thus it is worth briefly discussing these claims before turning to an analysis of the perceived responsibility of humanitarian aid organisations for the consequences of their actions.

2.5 Is Aid Significant to the Conduct of War?

Debates over the impact of aid in specific conflicts have simmered within the humanitarian community since Biafra, where Ian Smillie claims that aid 'prolonged the war by 18 months'.[153] De Waal argues that 'the humanitarian effort prolonged the war, and with it human suffering' in Ethiopia in 1984 and 1985,[154] and the organisation with which he is affiliated, Africa Rights, similarly claims that in the Sudan 'relief is prolonging the war, by constraining the military strategies of each side, and contributing

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[152] Smith, 'Relief Operations and Military Strategy', p. 99.

[153] Ian Smillie, *The Alms Bazaar: Altruism Under Fire - Non-Profit Organisations and International Development* (London: Intermediate Technology Publications, 1995), p. 104.

[154] De Waal, *Famine Crimes*, p. 127.

to a stalemate'.[155] William DeMars, however, refutes the charge with regard to Ethiopia, arguing that aid influenced the course of the conflict, but not the length.[156] Adam Roberts also questions the importance of aid to belligerents, suggesting that 'frequently the provision of humanitarian assistance is merely neutral, enabling non-combatants to survive, but not fundamentally affecting the duration let alone the outcome of a war'.[157]

Whether humanitarian assistance prolongs conflict is difficult to prove: one can ascertain how aid assisted belligerents, but how conflict would have proceeded without it can only be surmised. In spite of the difficulties, generalised assertions that 'humanitarian aid is becoming a major factor in the continuation of conflicts'[158] are taken as a given in some quarters, with no substantiating evidence apparently necessary. Luttwak provides some elaboration: 'by intervening to help, NGOs systematically impede the progress of their [the retreating side's] enemies towards a decisive victory that could end the war. Sometimes NGOs, impartial to a fault, even help both sides, thus preventing mutual exhaustion and a resulting settlement'.[159] But one author uses the same argument in reverse, arguing that relief operations 'help stalemate wars by protecting and sustaining the populations of all warring parties, thus making a diplomatic settlement more probable than the total victory of one side'.[160] Even Anderson provides little more than anecdotes to claim that 'evidence from many areas shows that aid more often exacerbates and feeds conflict than helps to reduce it'.[161]

The unsubstantiated and generalised nature of these claims has provoked a backlash within some sections of the humanitarian community. John Borton, for example, criticises the emphasis on humanitarian action in conflict in isolation from other factors:

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[155] *Humanitarianism Unbound? Current Dilemmas Facing Multi-Mandated Relief Operations in Political Emergencies* (London: Discussion Paper No. 5, Africa Rights, 1994), p.13. Also see Richard K. Betts, 'The Delusion of Impartial Intervention,' *Foreign Affairs* 73, No. 6 (1994): 20-33.

[156] William DeMars, 'Does International Humanitarian Action Prolong or Resolve Civil Wars?' (Chicago: Paper presented at the Annual Meeting of the International Studies Association, 22 February 1995), pp. 12-13.

[157] Roberts, *Humanitarian Action in War*, p. 59.

[158] Barry Munslow and Christopher Brown, 'Complex emergencies: the institutional impasse', *Third World Quarterly* 20, No. 1 (1999): 207-222 at p. 221.

[159] Edward N. Luttwak, 'Give War a Chance', *Foreign Affairs* 78, No. 4 (1999): 36-44 at pp. 43-44.

[160] Nicholas O. Berry, *War and the Red Cross: The Unspoken Mission* (New York: St. Martin's Press, 1997), p. 3. This intriguing publication argues that the unspoken mission of the Red Cross is to undermine war. Members of the Red Cross movement have rebuked the thesis. See, for example, Wilfried Remans, 'Books and Reviews: War and the Red Cross – The Unspoken Mission', *International Review of the Red Cross* 324 (September 1998): 559-564.

[161] Anderson, *Do No Harm*, p. 16.

> Whilst there have been many instances where humanitarian aid has been hijacked and diverted to the benefit of warring factions, the empirical evidence is simply not available to warrant a focus upon humanitarian aid 'doing no harm' as against harm done by, say, other states, business interests, illegal and semi-legal trading activities (tropical hardwoods, drugs, precious stones, etc) and arms traders. The manipulation and occasional diversion of relief aid have wrongly been equated with an analysis of the war economy. In most, if not all, conflicts the role of humanitarian aid as a source of support for warring factions has probably been slight.[162]

Borton is justified in his concern about the lack of evidence to support claims that aid prolongs conflict - cognisant of the imbalance, this thesis situates humanitarian assistance within the larger context of sources sustaining conflicts in the following case studies. But Borton's suggestion that the relative harm of aid is slight compared to other factors does not in itself absolve aid organisations of responsibility for the repercussions of their acts. Political, business and military actors hold primary responsibility for the pursuit and outcome of conflicts, and their contributions are undoubtedly more significant than those of humanitarian actors. But the *raison d'être* of humanitarian assistance is the alleviation of suffering. Thus if such action contradicts this purpose by causing harm, then a focus on this issue is indeed warranted.

3. HUMANITARIAN ACTION AND RESPONSIBILITY

The paradoxes of humanitarian action raise important questions about the responsibility of humanitarian actors for the people in whose name they intervene, and for the consequences of their acts. To whom or what do aid agencies owe primary responsibility: to beneficiaries, donors, the board of directors, the membership, the organisational charter, or to international humanitarian law? What constitutes responsible behaviour when confronted with moral dilemmas?[163] What are the responsibilities of humanitarian aid organisations to the people under their care? If a refugee camp or safety zone is attacked because it harboured insurgents, who is responsible for the death of civilians sheltering therein? Are aid organisations

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[162] John Borton, *The State of the International Humanitarian System* (London: Briefing Paper, Overseas Development Institute, March 1998), p. 3.

[163] Hugo Slim highlights the distinction between a genuine moral dilemma and a tough choice that frequently confronts aid organisations. A real moral dilemma is one in which all options are wrong. Tough choices may involve difficult trade-offs between competing objectives, or even the 'Sophie's Choice' type of situation in which a brutal choice must be made, but these are not moral dilemmas because they do not involve the choice between competing moral principles in which the choice is

implicated in the fate of refugees by virtue of their participation in a system that failed to protect them?

Responsibility is a complex notion. These questions invoke several aspects of the term: responsibility as accountability and liability; responsibility as task and duty; responsibility as virtue in terms of behaving responsibly; and causal responsibility for a certain outcome.[164] The common parlance of the international relief system generally refers to a narrow conception of 'accountability' and rarely engages in broader discussions of ethical responsibility beyond reference to various Codes of Conduct. 'Responsibility' is more often used in relation to the actors outside the humanitarian domain. Hence for the purposes of this discussion, a distinction is made between institutions of accountability and broader conceptions of moral responsibility that encompasses duties, tasks and virtue. Reflecting on the 'dark side' of aid and the moral dilemmas and tough choices confronting aid organisations, Hugo Slim affirms that 'the challenge for relief agencies is to determine the proper limits of their moral responsibility for this dark side, and then make all efforts to mitigate against it in their programmes'.[165] How they determine these limits is open to debate. The following discussion outlines the normative positions underpinning the different approaches of humanitarian action.

3.1 Conceptions of Responsibility

Ideas about the responsibility of aid organisations for the consequences of their actions are intrinsically linked to conceptions of the purpose and limits of humanitarian action. The perceived 'new' complexity of the 1990s environment and failures of humanitarian action prompted considerable introspection by aid organisations on the role of humanitarian action and the appropriateness of traditional humanitarian principles to today's environment. A spectrum of positions has emerged, ranging from the

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between two wrongs. Hugo Slim, 'Doing the Right Thing: Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War', *Disasters* 21, No. 3 (1997): 244-257.

[164] Mark Bovens also adds responsibility as capacity in terms of *compos mentis* (soundness of mind) since this can diminish the responsibility of a person for their acts. However, it is less relevant to this discussion. Mark Bovens, *The Quest for Responsibility: Accountability and Citizenship in Complex Organisations* (Cambridge: Cambridge University Press, 1998), pp. 24-25.

[165] Slim, 'Doing the Right Thing', p. 256.

reaffirmation of the classic approach by ICRC in its *Avenir* project,[166] to initiatives aimed at integrating humanitarian action within a broad political approach to conflict management.[167]

Exploring the spectrum, at one end is the 'humanitarian imperative', which privileges the duty to alleviate human suffering over all other considerations. Although recognising that there may be adverse side effects of the provision of humanitarian assistance, strict advocates of the right to give and receive aid subordinate other concerns to this fundamental task. Responsibility is first and foremost conceived as the fulfilment of this objective; what happens beyond that is the responsibility of others. Humanitarian action at its inception aimed to protect and heal wounded combatants, and whether they returned to combat, hence potentially prolonging the conflict, was for politicians and rule-makers to decide. The task of humanitarian action was to relieve their suffering and the responsibility of aid organisations was limited to accomplishing this task.

Providing aid in a neutral and impartial manner is considered essential in the Red Cross movement to fulfil the humanitarian imperative. Making no adverse distinction between beneficiaries and basing aid entirely on need universalises the 'right' to humanitarian assistance. Neutrality of action is deemed necessary to retain the confidence of all parties to a conflict and facilitate humanitarian access. Adhering to these principles and gaining consent of parties to the conflict are preconditions for a 'right' of humanitarian initiative under international law. However, the appropriateness of adhering to these principles under all circumstances has been challenged by other aid organisations.

At one level, acting in an impartial fashion is not compatible with retaining an image of neutrality. The perceptions of neutrality held by belligerents are the practical measure of neutrality,[168] and if the needs on one side of a conflict are greater than on the other, as they often are, aid will be directed disproportionately to one side. Considering the 'paradoxes' outlined above, one party to the conflict is likely to gain greater benefits from aid than the other. States that declare neutrality in an international conflict face a

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[166] See *The ICRC's 'Avenir project': Challenges, mission and strategy*, 12 December 1997 (14/11/99) http://www.icrc.org/icrceng.nsf/5.../07121b3f3a4de9d0412565750049a1f8?OpenDocument

[167] For a more indepth discussion of different approaches to the ethical issues involved in humanitarian action see Des Gasper, *'Drawing a Line' – Ethical and Political Strategies in Complex Emergency Assistance* (The Hague: Working Paper Series No. 302, Institute of Social Studies, October 1999).

[168] Roberts, *Humanitarian Action in War*, p. 52.

similar problem. Under international law they are permitted to retain normal patterns of trade with both belligerents, but since trade is rarely equal between states, one side benefits more than another. To cease trade with both sides will simply reverse the advantage.[169] In situations of total war, neutrality is also impossible: 'the fact of keeping people alive in an internal war is a political act and deserves to be recognised as such'.[170] An ICRC delegate expressed the limits of this principle in the former Yugoslavia: 'neutrality, of which we are so proud, is for them something impossible. We hear even from ministers: if you are not with us, you are against us'.[171]

At another level some critics take issue with the morality of retaining a neutral position when faced with absolute wrong.[172] Even the UN's official report on the fall of Srebrenica in 1995, describing it as 'a horror without parallel in the history of Europe since the Second World War', concludes that the UN's global commitment to ending conflict does not preclude moral judgements, but makes them necessary.[173] Can aid agencies be bystanders to abuses and avoid making judgements in the name of not taking sides? On the one hand the thoughts of the Holocaust survivor towards the man at the window who watched his Jewish neighbours deported in Elie Wiesel's novel *The Town Beyond the Wall*, provide a poignant reminder of the perverse side of neutrality.

> This was the thing I had wanted to understand ever since the war. Nothing else. How a human being can remain indifferent. The executioners I understood; also the victims, though with more difficulty. But the others, all the others, those who were neither for nor against, those who sprawled in passive patience, those who told themselves, "The storm will blow over and everything will be normal again", those who thought themselves above the battle, those who were permanently and merely spectators – all those were closed to me, incomprehensible. And as often happens I saw all those neutrals in the features of a single face: the spectator across from the synagogue.[174]

But aid organisations are not merely bystanders, they are active participants in attempts to alleviate suffering. Thus is their responsibility greater or less, if their intentions are good? ICRC argues that humanitarians cannot play judge and jury in the field, and

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169 See Walzer, *Just and Unjust Wars*, pp. 234-238 for a discussion of neutrality in this sense.

170 Duffield and Prendergast, *Without Troops & Tanks*, p. 162.

171 Beat Schweizer as cited in Maillard, 'Nous sommes arrivés aux limites du tenable', p. 16.

172 See for example, Rony Brauman, *Devant le Mal: Rwanda. Un Génocide en Direct* (Paris: Arléa, 1994).

173 *Report of the Secretary-General pursuant to General Assembly resolution 53/35: The fall of Srebrenica*, paragraph 506.

cannot hold a population collectively responsible for the actions of its leaders by choosing to aid only one side. Humanitarian neutrality is also an operational tool, deemed essential to avoid giving belligerents a pretext to prevent access and threaten aid workers.[175] The silence that necessarily accompanies a position of neutrality has been criticised in the past as a form of complicity, but ICRC rejects such claims. The President, Cornelio Sommuruga stated, 'I will never accept to hear that because we conduct things discreetly and with primary concern for the victims, we are accomplices to whatever it is'.[176] ICRC does not, he maintains, stay silent at all cost, but will only speak publicly when it is in the interests of the victim to do so. Furthermore, Urs Boegli points out that publicly denouncing human rights abuses to journalists is easier than raising them behind closed doors with the military leaders responsible.[177] While many agencies engage in the former, only ICRC consistently attempts the latter.

Questions about the possibility and pertinence of safeguarding neutrality in humanitarian action are key issues in the reconceptualisation of humanitarian issues in the 1990s. Many observers suggest that neutrality was an uncontroversial issue during the Cold War that has only recently become the subject of debate.[178] Forsythe went as far as to suggest that:

> most PVOs [private voluntary organisations] are free from any taint of strategic, factional, or partisan politics... there is no logical reason to assume that a private organization oriented to humanitarian concerns would have any interest in, or obligation to, U.S. strategic or economic goals.[179]

The case studies presented in the following chapters, however, provide a very different picture, at least of the actions of aid organisations, if not the discourse. It is true that there was less open debate surrounding these issues in previous decades. But as many

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[174] Elie Wiesel, *The Town Beyond the Wall* trans. by Stephen Becker (London: Robson Books, 1975), p. 149.

[175] Statement from Urs Boegli, Head of Media Services of ICRC in 'Open Forum', *Humanitarian Affairs Review* No. 3 (Autumn, 1998): 4-6.

[176] Sommuruga in Massimo Lorenzi, *Le CICR, le coeur et la raison: Entretiens avec Cornelio Sommaruga, Président du Comité international de la Croix Rouge* (Lausanne: Favre, 1998), p. 24.

[177] Comments made by Urs Boegli, Head of Media Unit, ICRC Geneva at a conference 'From the Boer War to Kosovo – Humanitarian Action and Media Coverage', Sydney, 14 September 1999.

[178] See for example, Duffield and Prendergast, *Without Troops & Tanks*, p. 11; Thomas G. Weiss, 'Principles, Politics, and Humanitarian Action', *Ethics and International Affairs* 13 (1999): 1-22 at p. 1.

[179] David P. Forsythe, 'Humanitarian Assistance in U.S. Foreign Policy, 1947-1987', in Bruce Nichols and Gil Loescher (eds), *The Moral Nation: Humanitarianism and U.S. Foreign Policy Today* (Notre Dame: University of Notre Dame Press, 1989), pp. 63-90 at p. 83.

organisations shed the pretence of a neutral humanitarian past, they have embraced different and sometimes expanded concepts of what constitutes humanitarian action today, and the responsibilities that accompany it.

Towards the middle of the spectrum lie a range of positions that assume some responsibility for their actions by weighing up the good versus the potential harm that results from humanitarian action. Whether decisions should be based on doing more good than harm, doing no more than a minimum amount of harm regardless of the total good, or ensuring that no harm is done, is open to debate. Anderson posits that it is possible to do no harm if aid organisations learn and employ lessons of past experience.[180] Yet what if the harm outweighs the good? Few aid agencies are ready to abandon the humanitarian imperative and stop providing aid, even then. Anderson argues that 'it is a moral and logical fallacy to conclude that because aid can do harm, a decision not to give aid would do no harm. In reality, a decision to withhold aid from people in need would have unconscionable negative ramifications'.[181] Apart from the obvious problem with the zero-sum nature of this argument, it denies the possibility that in some cases aid can be turned against the people it was intended to assist. Rony Brauman makes a compelling argument in favour of the positive ethical implications of refusing to act. Recalling Solzhenitsyn's question throughout the *Gulag Archipelago* 'Oh, why didn't we ever say no?', Brauman illustrates that acquiescence may be submission and refusal may be courage; that 'any plan of action must incorporate the idea that abstention is not necessarily an abdication but may, on the contrary, be a decision.'[182] Some of the most abhorrent episodes in history have depended upon the silent acceptance of the status quo and mechanical obedience to authority.

Africa Rights also criticises the aversion of aid organisations to set limits of acceptable compromise, instead prioritising operationality and access over considerations of human rights and advocacy. It argues that 'a silent witness to an abuse is necessarily a complicit witness'.[183] Hence the organisation advocates a rights-based approach to humanitarian action which privileges solidarity with the victims of oppression. It calls for human

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[180] Anderson, *Do No Harm*, p. 3.

[181] ibid., p. 2.

[182] Rony Brauman, 'Refugees Camps, Population Transfers, and NGOs', in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Lanham, Md: Rowman and Littlefield, 1998), pp. 177-193 at p. 192.

[183] *Humanitarianism Unbound?*, pp. 26-27.

rights objectivity and a greater sharing of risk with the people with whom solidarity is expressed. Whether objective solidarity is possible is open to conjecture, and needs to be considered in light of the case studies to follow. Furthermore, the issue of whether to prioritise access to victims or advocacy in favour of human rights is bound up with questions of duty versus impact. If the 'international community' is aware that human rights abuses are occurring but is unwilling to stop them, should aid organisations risk their potential access to victims to denounce the abuses? Should advocacy be conducted as a good in itself, or in relation to the change it might bring?

At the other end of the spectrum, there is an increasing number of initiatives among NGOs, donors and the UN to expand the scope and responsibility of humanitarian action into areas beyond the short-term alleviation of suffering. Initial concerns to avoid supplanting local capacities have extended into notions of building local capabilities and ensuring that humanitarian action is more in tune with development goals, even at the early stages of crisis intervention. Anderson and Prendergast seek to turn the harmful 'side-effects' of aid into positive 'side-effects' through programming aid to reduce rather than exacerbate social inequalities, and Prendergast suggests that aid should contribute to conflict prevention and peace-building.

> At the operational level, donors and aid agencies can move beyond treating the symptoms of crises and use aid to mitigate conflict and address the economic disruptions at the root of complex emergencies. NGOs and donor agencies must continue to be more flexible in removing often artificial barriers between relief and development activities.[184]

The idea of linking humanitarian action to conflict prevention and resolution activities has gained currency in the mid-1990s, particularly in areas of protracted conflict in which the provision of humanitarian aid seems interminable. Afghanistan is the site of the most ambitious attempt to link political and humanitarian strategies into a common 'Strategic Framework' of the UN that plans to integrate humanitarian assistance into political endeavours aimed at 'a just and sustainable peace'.[185] The humanitarian imperative prevails in principle, but the plan states that since aid 'clearly has not contributed, and is unlikely to contribute, to peace-building ...a more structured,

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[184] Prendergast, *Frontline Diplomacy*, p. 111.

[185] *Strategic Framework for Afghanistan endorsed by UN Agencies* (Reliefweb: United Nations, 4 January 1999 http://www.reliefweb.int).

coherent, coordinated and principled approach is required'.[186] Asserting leadership of the international response, the UN stipulates that its international partners must agree to speak with one voice on all issues of principle and collectively apply human rights conditionality to the assistance program. Minear claims that this is to reduce the 'cacophony of individual agency voices which in the past have undermined a unified and consistent message and approach', and will minimise the extent to which aid agencies are played off against one another by belligerents.[187]

The Strategic Framework for Afghanistan is one initiative in a recent shift by donor governments towards an integrated and holistic approach to foreign aid in disrupted states that marks a radical shift from the limits of responsibility set by the classic ICRC approach to humanitarian action. The new agenda is exemplified in the policy statement and guidelines of the Development Assistance Committee (DAC) of the OECD on Conflict, Peace and Development,[188] which Peter Uvin suggests is one of the clearest and most authoritative statements on the new mandate of aid.[189] Recognising that aid has a political impact regardless of its intentions, this approach assumes responsibility for these pro-actively by steering aid towards longer-term objectives and solutions. It is, in effect, applying subtle and overt forms of conditionality to aid, creating incentives and disincentives to influence the behaviour of actors and the context in which conflict and peace occurs.

Applying conditionality to aid is not new: funds given by the International Monetary Fund, the World Bank and through bilateral development programs have been used to influence the behaviour of governments for decades. The principles of humanitarian action, however, were designed to guard against the use of humanitarian assistance to induce political or religious compliance. Establishing a line of acceptable compromise and an ethic of refusal is a form of conditionality, but one based on respect of humanitarian principles and security guarantees. The new agenda moves beyond these

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[186] ibid.

[187] Larry Minear, *Report to the Headquarters Colloquium on the InterAgency Strategic Framework Mission to Afghanistan* (Reliefweb: Brown University, 31 December 1998 http://www.reliefweb.int).

[188] Development Assistance Committee (DAC), *Conflict, Peace and Development Co-operation on the Threshold of the 21st Century: Policy Statement* (Paris: OECD, May 1997) and Development Assistance Committee (DAC), *Guidelines on Conflict, Peace and Development Co-operation* (Paris: OECD, 1997).

into areas of conflict transformation and 'good governance' in the shape of government practices and procedures, and respect for human rights.

Apart from the obvious impact of this expanded and openly politicised reconceptualisation of humanitarian action for the basic principles of neutrality, impartiality and independence of humanitarian action, the 'good governance' agenda raises many other ethical issues. Assuming that donor governments have an obligation to their tax-payers to ensure that aid is used effectively and in accordance with its stated purpose, who establishes the priorities for aid and on what criteria are they based? Is 'good governance' genuinely about accountable and humane government, or primarily in the interest of Western transnational capital?[190] How appropriate to all societies are the practices of popular election and the existence of formal democratic institutions that are implicit in the concept of 'good governance'? Will such practices engender peace? Michael Mann recently discussed the dark side of 'we the people', providing a potent reminder of how many modern democratic states have been 'cleansed' of 'the other' as they modernised.[191] Even the broadly accepted goal of promoting human rights is not without ethical implications, particularly the way that such standards are inconsistently applied. Human rights violations in Indonesia have been tolerated far more than in sub-Saharan Africa.[192] Determining where humanitarian action stops and development starts is a crucial issue in determining the principal duties of each.

Finally, moving beyond responsibility as task and duty, deliberations about whether aid organisations acted responsibly and can be held to account for the consequences of their actions involve considerations of prior knowledge, and of capacity to have acted differently. Decisions are made on the basis of available information, and aid organisations are only fully responsible for actions made accordingly. However, if necessary information did exist and the agency did not obtain it when it could

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189 Peter Uvin, *The Influence of Aid in Situations of Violent Conflict* (Paris: Informal Task Force on Conflict, Peace and Development Co-operation, Development Assistance Committee, OECD, 1999), p. 2.

190 Yash Tandon, 'Reclaiming Africa's Agenda: Good Governance and the Role of NGOs in the African Context', *Australian Journal of International Affairs* 50, No. 3 (1996): 293-303.

191 Michael Mann, 'The Dark Side of Democracy: The Modern Tradition of Ethnic and Political Cleansing', *New Left Review* No. 235 (1999): 18-45.

192 Mick Moore and Mark Robinson, 'Can Foreign Aid Be Used To Promote Good Government in Developing Countries?', in Joel Rosenthal, *Ethics and International Affairs: A Reader* (Washington: Georgetown University Press, 1995), pp. 285-303 at p. 285.

reasonably have been expected to, then it is guilty of avoidable ignorance.[193] Similarly, aid agencies are only morally responsible for an outcome if they had the capacity to have acted differently. Here the full range of possible action needs to be taken into account, including the choice of refusal which, as noted above, is often overlooked.

The most concerted attempts to enhance ethical responsibility across the diverse range of aid organisations have been through various 'Codes of Conduct' to which aid organisations are expected to adhere.[194] Designed to state publicly the standards of behaviour to which aid organisations commit, they have served to enhance awareness of humanitarian principles, and the ways in which principles are applied to field operations. Their value, however, is marred by several shortcomings.[195] First, they do not discuss the type of questions that aid organisations need to consider to formulate a humanitarian ethos. Apart from the primacy of the humanitarian imperative, no attempt is made to establish a hierarchy of moral principles to provide guidance when principles clash. Agencies may assign different values to each, depending upon the circumstances, but a description of the factors to consider could assist aid organisations recognise the broad extent of responsibilities. Second, some of the codes, like that of the Australian Council for Overseas Aid, are skewed towards the rights of donors rather than the rights of beneficiaries. Many institutional donors have embraced the codes as a mechanism of accountability, requiring adherence as a pre-requisite of funding. Rather than a starting point from which to inspire greater responsibility within the aid community, the codes have in many respects become a tool of defence against external criticism. Indicative of the views of many aid organisations, the instructions sent by CARE Australia to

[193] Slim, 'Doing the Right Thing', p. 253.

[194] The most widely acknowledged is the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, developed in 1994. National NGO umbrella organisations, such as the Australian Council for Overseas Aid, and the American InterAction have developed a 'Code of Conduct' and an 'NGO Field Cooperation Protocol' respectively; and the World Conference on Religion and Peace drafted the Mohonk Criteria in 1994. In addition, academics have published guidelines such as the Providence Principles of the Humanitarianism and War Project of Brown University; The Ten Commandments of Prendergast; the Framework Principles of Ramsbotham and Woodhouse; and the Do No Harm blueprint of Anderson. In the field specific guidelines have been drawn up by operational agencies including the Principles and Protocols of Operation in Liberia in 1995; the Somali Aid Coordination Body Code of Conduct for International Rehabilitation and Development Assistance to Somalia; The Code of Conduct for Humanitarian Agencies in Sierra Leone, and Principles of Engagement for Humanitarian Assistance in the Democratic Republic of Congo.

[195] For deeper discussions of the strengths and weaknesses of the codes of conduct, see Warren Lancaster, 'The Code of Conduct: whose code, whose conduct?', *Journal of Humanitarian Assistance* http://www-jha.sps.cam.ac.uk/a/a645.htm (posted 18 April 1998); Nick Leader, 'Codes of

Australian NGOs at the launch in January 1999 of the Sphere Project for minimum standards in emergency relief stipulated that 'global cooperation' among agencies should be emphasised to ensure that the media does not focus on 'the need for minimum standards'.[196] An image of responsible behaviour is presented externally by signing a code, yet few internal mechanisms exist to ensure compliance.

3.2 Institutions of Accountability

Responsibility within the aid community is primarily conceptualised in terms of accountability. Efforts to improve the performance of humanitarian action are the central tenet of this focus, with emphasis on managerial 'best practice', minimum technical standards in the provision of relief, and evaluation of aid programs to judge efficiency and effectiveness, and to facilitate learning. A recent paper exemplified the prevailing notion of accountability: 'demonstrating that an agency or the system showed the best possible performance in a given context, and incorporated past lessons in that performance'.[197]

The landmark Joint Evaluation of Emergency Assistance to Rwanda provided stimulus to a range of initiatives aimed at enhancing 'best practice'. An Active Learning Network on Accountability and Performance in Humanitarian Assistance (ALNAP) was formed to 'improve the quality and accountability of humanitarian assistance programmes by providing a forum for the identification and dissemination of best practice and the building of consensus on common approaches'.[198] Minear considers the lack of accountability of aid organisations to be one of the main constraints to lessons learned,[199] and evaluations are emerging as a primary mechanism through which the international relief system aims to improve accountability and performance.[200] ALNAP provides a database of evaluations to facilitate dissemination of acquired knowledge: twenty-five

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Conduct: Who Needs Them?', *Relief and Rehabilitation Network Newsletter* 13 (March 1999): 1-4 and subsequent critiques of specific codes in this volume.

196 See Fiona Terry, 'Code of Conduct of the Australian Council for Overseas Aid', *Relief and Rehabilitation Network Newsletter* 13 (March 1999): 12-13.

197 Koenraad Van Brabant, *Organisational and Institutional Learning in the Humanitarian Sector: Opening the Dialogue* (London: Discussion Paper for ALNAP, October 1997), p. 11.

198 *Information Note* (London: ALNAP, 1998), p. 2.

199 Larry Minear, 'Learning to Learn', paper prepared for OCHA Seminar on Lessons Learned on Humanitarian Coordination, Stockholm, 3-4 April 1998, p. 10.

200 Niels Dabelstein, 'Foreword', in *Guidance for Evaluating Humanitarian Assistance in Complex Emergencies*, p. 2.

separate evaluations of the international response to the Kosovo crisis alone were planned or under way in late October 1999.

In many respects the aid industry is 'professionalising' in recognition of the 'right' of beneficiaries to a certain quality of care that has been overlooked in the past by zealous volunteers, and the need to show donors, both private and government, that their money has been used for the purpose it was given. While these are important developments, the present focus is skewed towards the effectiveness and efficiency of aid performance, rather than overall impact. As mentioned earlier, attempts to quantify the negative effects of humanitarian action are rarely attempted, and thus overlook a crucial variable in assessing impact. Furthermore, although the need to assess the security situation, protection levels, and 'humanitarian space' available to aid organisations was recently recognised in the OECD evaluation guidelines, no indication was given as to how these elements could be evaluated.[201] It is perhaps not surprising that the focus to date has centred on the less contentious areas of performance, particularly the technical provision of relief. Evaluating the way in which aid organisations negotiated 'humanitarian space' with the potential trade-offs and compromises that accompanied efforts to obtain access to vulnerable populations is a more difficult task.

One of the main purposes of evaluation is to facilitate learning in order to improve future practice. Most evaluations are conducted at the level of individual organisations (either operational agency or institutional donor), or with respect to a specific issue. Organisations as such do not learn; it is individuals who learn and assimilate knowledge into organisational memory, policies and decision-making procedures. Jack Levy explains:

> Organizational learning involves a multistage process in which environmental feedback leads to individual learning, which leads to individual action to change organizational procedures, which leads to a change in organizational behaviour, which leads to further feedback.[202]

He points out that organisational learning can be blocked at any point in this cycle.[203] Learning does not necessarily lead to change and change is not necessarily derived from

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[201] *Guidance for Evaluating Humanitarian Assistance in Complex Emergencies*, p. 11 and 16.

[202] Jack S. Levy, 'Learning and foreign policy: sweeping a conceptual minefield', *International Organisation* 48, No. 2 (Spring 1994): 279-312 at p. 288.

[203] ibid.

learning; there are a host of other factors that can influence changes in aid organisations, particularly the turnover of personnel. Thus evaluations as a tool of learning form only one part of the equation: whether they are conducted to be read and considered, or whether to fulfil donor requirements of accountability and transparency will be a major determinant.

CONCLUSION

This chapter has demonstrated that although there were some important changes between the Cold War and post-Cold War periods, the emphasis placed on this dichotomy and its associated language of 'complexity' is overstated. The euphoric optimism at the end of the Cold War gave way to a pessimistic view of the future, and the idea that emergencies are more complex now than in the past was embraced as an explanation for the difficulties in the provision of relief. This chapter argues that the discourse undervalues genuine changes in the nature of conflict that impact upon the provision of aid, such as the fragmentation of combatant groups and the criminalisation of economic activity. The proliferation of actors and the insertion of aid into the heart of conflicts have increased the stakes of humanitarian action in disrupted states, but the ethical dilemmas and the choices they impose remain fundamentally the same. The stark choices that aid organisations faced in Biafra and Ethiopia echo to varying degrees in aid operations today.

The chapter also demonstrated the need to situate humanitarian action within its broader political context to avoid exaggerating or underestimating the role of aid in prolonging conflict. Whether belligerents are supported from an external power, or derive revenue from local sources, it is important to have an idea of the relative contribution of humanitarian aid in order to assess the relative good or harm aid might be causing. How then to act on the basis of such knowledge depends a great deal on perceptions of responsibility and the extent to which consequences should be weighed against the humanitarian imperative. The different priorities that aid organisations have assigned to conflicting humanitarian principles are investigated further in the following case studies. Some of the questions raised in connection with the task of aid organisations and the primacy of principles, solidarity or pragmatism are reconsidered later in the thesis. Since

one of the primary aims of this thesis is to understand why the paradoxes of aid persist, constraints to institutional learning are also discussed further in Chapter 6.

CHAPTER 2

THE AFGHAN REFUGEE CAMPS IN PAKISTAN

The preceding chapter presented some of the dominant perspectives of the contemporary humanitarian context, and questioned the originality of the 'complexity' that is emphasised in light of the negative consequences that have accompanied humanitarian action since its inception. The next four chapters investigate these paradoxes of humanitarian action more deeply in five refugee relief programs. They examine how and to what extent humanitarian action assisted combatants in their insurgencies against the refugee-generating state. Although some paradoxes were more pronounced than others in each case, the chapters demonstrate the persistence and recurrence of the negative consequences of humanitarian assistance. They also illustrate that aid organisations were aware of the repercussions of their actions, yet held different opinions about the moral implications these created.

This chapter analyses the role of Pakistan as a sanctuary both for refugees and for forces resisting the Soviet occupation of Afghanistan. Pakistan was one of the most generous and compliant asylum states of the 1980s. After the Soviet invasion of Afghanistan in 1979 and during the ten years of Soviet occupation, Pakistan hosted over three million Afghan refugees and resistance fighters. The Afghan refugee camps, situated close to the Afghan border, served a dual purpose as a refuge for victims of conflict, and as a sanctuary in which *mujahideen* ('Warriors in the Way of God') could rest, recuperate and recruit new combatants.

Dubbed 'the world's most effective refugee-warrior community' by Zolberg, Suhrke and Aguayo,[1] the Afghan case demonstrates the complementarity of refugee camps to a military sanctuary. Part One of the chapter illustrates that Pakistan was a major conduit for financial and military support to the *mujahideen*, and an active participant in the organisation and training of the resistance. The *mujahideen* received high levels of direct support from allies, particularly the United States (US) and Saudi Arabia. Given the importance of the military context, this case illustrates that the humanitarian relief

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[1] Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape From Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 254.

program held only peripheral importance as a source of material supplies to the resistance. It demonstrates that the most significant contribution of the refugee camps to the resistance was as a source of legitimacy for individual Afghan leaders locally and internationally.

One of the striking features of this case is that aid organisations recognised aspects of the dual role of the camps, yet there was little debate concerning the ethical issues this raised, or the implications for the safety of the refugees. Instead there was broad tolerance of the ambiguous camp functions by the aid community, journalists and academics alike.[2] Part Three explores the attitudes of the aid organisations, to shed light on the reasons why they tolerated the *mujahideen* using the refugee camps. It investigates the widespread belief among aid agencies of the justness of the Afghan cause, which over-rode concerns to ensure the purely civilian character of the refugee camps. It also examines the relevance of refugee law and norms of refugee assistance when applied to a Muslim population; the notion of migration and refuge in Islam is different to the refugee representation in international law. It argues that the level of refugee agency in the resistance to the Soviet-backed regime in Kabul was under-estimated by the aid organisations in Pakistan.

1. PAKISTAN AS A MILITARY SANCTUARY

The Afghan resistance movement of the *mujahideen* had all the necessary criteria for an armed insurgency. A loyal support base inside Afghanistan provided food, shelter, information and recruits to the resistance; the geographical terrain of Afghanistan favoured guerrilla warfare; ideological unity in Islam inspired the ultimate dedication of combatants;[3] external patrons financed and promoted the cause internationally; and neighbouring countries provided sanctuaries to which the guerrillas could withdraw and

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2 The unquestioned acceptance of the politicisation of humanitarian aid is illustrated well by its absence from the agenda or discussion at an international symposium held in 1987 on the domestic and foreign implications of the Afghan refugee crisis. The symposium attracted some 180 participants from 20 countries who were directly and indirectly involved in the refugee issue. See *The Crisis of Migration from Afghanistan: Domestic and Foreign Implications* (Oxford: Summary of the Proceedings of an International Symposium, co-sponsored by the Refugee Studies Programme and the Department of Ethnology and Prehistory at Oxford University, 29 March to 2 April 1987).

3 For a detailed discussion of the history, ideology and politics of Islam in Afghanistan see Asta Olesen, *Islam and Politics in Afghanistan* (Richmond: Curzon Press, 1995).

resupply.[4] While Iran provided refuge and backing to Shi'ite resistance groups during the Soviet occupation of Afghanistan,[5] it was Pakistan that comprehensively filled the role of sanctuary to the *mujahideen*.

Pakistan harboured exiled opponents to regimes in Kabul several years before the Soviet invasion of Afghanistan. In 1973 a *coup d'état* led by Prince Mohammad Daoud, a secular Pashtun nationalist, provoked militant Islamists to exile themselves in Pakistan where they received training from the Pakistani military. Among these Islamists were two men who were to play an increasingly important role in Afghan resistance: Ahmad Shah Massoud and Gulbuddin Hekmatyar. Using Pakistan as a base, they began organising clandestine missions into Afghanistan in mid-1975 and tried to incite the people into a popular rebellion against the government. Only in the north-east, however, was there local support, and the uprising failed, resulting in the capture, imprisonment, execution or disappearance of hundreds of militant Islamists and intellectuals. Important lessons for future insurgencies were gleaned from this period, including the necessity of involving traditional leadership (*'ulama*) in the campaigns, increasing contacts with the rural population, and gaining the support of the army.[6] The surviving militant leadership established offices in Peshawar, the capital of Northwest Frontier Province (NWFP), which borders Afghanistan (see Map 1). There they divided into two opposing groups: one moderate Islamist under the leadership of Burhanuddin Rabbani, and one radical Islamist, predominantly Pashtun, under the leadership of Hekmatyar.

The number of exiled Afghans during this period remained low; only some 1,500 moved to Pakistan between 1973 and early 1978. But after a communist *coup* that brought Nur

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4 Mohammad Yousaf and Mark Adkin, *The Bear Trap: Afghanistan's Untold Story* (London: Leo Cooper, 1992), p. 64.

5 Iran was also host to more than 2 million refugees, over 1 million of whom were a migrant labour force who declined to return to Afghanistan. Although Iran helped to establish and finance four Shi'ite resistance groups which operated primarily in the western and central regions of Afghanistan, Anwar-ul-Haq Ahady suggests that Iran played a minor role in the Afghan conflict for two reasons. First, the Iran-Iraq war erupted within a year of the Soviet invasion and Iran did not want to provoke Soviet involvement on Iraq's side. Second, radical clerics had just gained power in Iran and concentrated on strengthening the Shi'ite cause rather than the anti-Soviet struggle in Afghanistan. Anwar-ul-Haq Ahady, 'Saudi Arabia, Iran, and the Conflict in Afghanistan', in William Maley (ed.), *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst and Company, 1998), pp. 117-134 at p. 119. Merriam also notes that Soviet bombing of villages inside Iran in 1980 probably dissuaded Iran from actively providing sanctuary to the Afghan resistance. See John G. Merriam, 'Arms Shipments to the Afghan Resistance', in G.M. Farr and John G. Merriam (eds), *Afghan Resistance: The Politics of Survival* (Boulder: Westview Press, 1987), pp. 71-101 at pp. 91-92.

6 Olivier Roy, *Islam and Resistance in Afghanistan* (Cambridge: Cambridge University Press, 1986), p. 76.

Mohammed Taraki to power in April 1978, the exodus increased to 100,000, and rose to 190,000 following an internal struggle in September 1979 which installed Hafizullah Amin as President. The Pakistani-based groups aided opponents of the Taraki-Amin regime, although their contribution was negligible in comparison with opposition within the country.[7] It was not until the 1979 Soviet invasion that opposition groups based in Pakistan began to play a crucial role in the resistance movement.

Map 1: The Afghan Refugee Camps and Settlements in Pakistan

Source: UNHCR, as modified by author

[7] Zolberg et al., *Escape from Violence*, p. 151.

Pakistan performed three vital functions as a military sanctuary to the Afghan resistance following the Soviet invasion of Afghanistan. First, Pakistani territory was a relatively secure and well-equipped rear base for the resistance, and the Inter-Services Intelligence Directorate (ISI) of the Pakistani military coordinated and trained *mujahideen* units. Second, Pakistan was a conduit for weapons and financial support supplied to the Afghan resistance. And third, Pakistan facilitated political organisation among the resistance parties. Although actively strengthening the Afghan resistance, Pakistani authorities maintained almost complete control over *mujahideen* activities in Pakistan, and often pursued contradictory policies of enhancing unity among the parties on the one hand, and discriminatory practices to divide them on the other.

Throughout the 1980s, Pakistan's Afghan policy was principally determined by the ISI, with strong influence in political matters from the main Pakistani Islamic party, *Jama'at-e Islami*. The ISI allocated weapons to the various resistance factions, and, according to the former head of the Afghan division of the ISI, Mohammad Yousaf, trained as many as 80,000 *mujahideen* between 1983 and 1987 on Pakistani territory.[8] Yousaf claims that that the number of training camps in Pakistan grew from two in 1983 to seven in 1987 – four near Peshawar and three near Quetta in Baluchistan Province - catering for up to 20,000 *mujahideen* per year from 1984.[9]

The bulk of arms and ammunition channelled to the *mujahideen* through Pakistan prior to 1985 were purchased in China to reduce the visibility of Western aid to the resistance. After 1985, supplies were augmented by shipments from Egypt, Saudi Arabia, the US and, surprisingly, Israel.[10] The US and Saudi Arabia were the largest financial backers of the resistance. As the first instance of Soviet aggression outside Eastern Europe, Washington viewed the invasion of Afghanistan as a prelude to Soviet expansion throughout Southwest Asia.[11] The Carter Administration launched covert support to the Afghan resistance, and increased military aid to Pakistan. Thirty million dollars was

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8 Yousaf and Adkin, *The Bear Trap*, p. 117. It is possible that this figure has been inflated for political reasons.

9 ibid. See pp. 115-127 for details of the training programs.

10 Apparently the weapons sold by Israel were captured during Israel's invasion of Lebanon. They were purchased with American funds in secrecy since the Arab nations would not have accepted to fight a *Jihad* (Struggle for the Faith) with weapons bought from Israel. See Yousaf and Adkin, pp. 83-84 and 81-96 for more details of arms shipments to the resistance. Also see J. Bruce Amstutz, *Afghanistan: The First Five Years of Occupation* (Washington: National Defense University Press, 1986), pp. 202-214.

allocated to the *mujahideen* in 1980, which increased to $50 million in 1981. Under the Reagan Administration, this grew to $120 million by 1984; $250 million in 1985; $470 million in 1986, and $630 million in 1987.[12] Pakistan's loyalty was also assured by a massive injection of funds: despite the former objections of the US to Pakistan's plans to develop a nuclear weapons capability, Washington offered a $400 million short-term military aid package to President Zia ul-Haq's government, which was increased to a five-year $3.2 billion military aid program in 1981.[13]

Funds from Saudi Arabia to the Afghan resistance closely matched those given by the US.[14] Saudi motives for such support were tied to concerns about Soviet intentions in the Persian Gulf; aggression against an Islamic state; and Saudi Arabia's leadership in the Muslim world which was threatened by the Islamic Revolution in Iran.[15] Actively financing the Afghan resistance was a way to assert Saudi leadership among Islamic countries, and provided an opportunity to promote the Sunni Islamist parties through cooperation with the *Jama'at-e Islami* in Pakistan.

The ISI was predominantly concerned with Afghan military affairs, but these were closely linked to the political organisation of the resistance after 1983. The discovery of a lucrative smuggling operation involving several *mujahideen* commanders and the Quetta branch of the ISI, precipitated a major change from direct ISI allocations of weapons and finance to field commanders in Afghanistan, to the channelling of all supplies through the seven recognised political parties based in Peshawar.[16] Thereafter *mujahideen* commanders were required to commit allegiance to a party in order to receive supplies. Few of the party leaders had ever fought in Afghanistan, however, and only Mohammad Yunis Khalis and Rabbani[17] had territorial bases to their power. Most

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11 Although declassified Soviet documents now show such fears to have been unwarranted.

12 Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 1995), p. 180.

13 Ted Galen Carpenter, 'The Unintended Consequences of Afghanistan', *World Policy Journal* 11, No. 1 (1994): 76-87 at p. 77.

14 Rubin, *The Fragmentation of Afghanistan*, p. 180.

15 Ahady, 'Saudi Arabia, Iran, and the Conflict in Afghanistan', p. 118.

16 The parties were: *Jamiat-e Islami*, led by Rabbani; *Hezb-e Islami* (H) led by Hekmatyar; *Hezb-e Islami* (K), led by Mohammad Yunis Khalis; *Harakat-e Inqilab-e Islami*, led by Mohammad Nabi Mohammadi; The National Islamic Front for Afghanistan, led by Sayyid Ahmad Gailani; and the Afghanistan National Liberation Front, led by Sebghatullah Mojadeddi. The seventh party, Abdul Rasul Sayyaf's Islamic Union for the Liberation of Afghanistan was later recognised by the ISI due to its significant backing from Saudi Arabia. For more information on the parties and the profiles of the leaders see Olesen, *Islam and Politics in Afghanistan*, pp. 283-292.

17 Rabbani's relationship with Massoud accorded him a territorial base in the Panjshir Valley.

of the 200 or so commanders in the field were 'disdainful of party officials who have sat out the war in Peshawar'.[18] Nevertheless, they became dependent upon the parties for arms and finance, and their allegiances were forged on the basis of ethnic or tribal loyalty, religious conviction and, to a considerable extent, opportunism.

The empowerment of the Peshawar-based political leaders with discretionary allocation of weapons and finance to field commanders helped forge an image of a united resistance while maintaining Pakistan's strong influence through government controls and the *Jama'at-e Islami*. Although more than 20 Afghan resistance parties had formed in Peshawar and Quetta by 1980,[19] the Pakistani government only recognised the seven based in Peshawar. The others were incorporated in a recognised party, or disbanded. Four of the parties were strongly Islamist,[20] and three were traditionalist, advocating a return to the clan and tribal ties of the past. Pakistan forbade any secular political parties to operate on Pakistani soil, and denied the exiled King, Mohammad Zahir Shah, or any member of the royal family access to the resistance movement or the refugees in Pakistan.[21] The Pakistani government also refused to allow the resistance to form a government-in-exile.

Pakistan's rationale for controlling the resistance movement on its soil was twofold. First, General Zia had personal experience of the potential security threat posed by a strong and united resistance movement to a host country, having been a military adviser in Jordan during Black September in 1970. The Palestine Liberation Organisation (PLO) had been a unified, almost autonomous, organisation and nearly succeeded in overthrowing the monarch of the host nation, King Hussein.

Second, an irredentist movement had been active in Pakistan since the 1950s which claimed the NWFP of Pakistan as 'Pashtunistan'. Pashtun nationalism was strong among many in Afghanistan, and Pakistan was keen to suppress such movements. It refused to recognise the Pashtun Nationalist Party, *Afghan Millat*, and gave preference

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18 Marvin G. Weinbaum, 'The Politics of Afghan Resettlement and Rehabilitation', *Asian Survey* 29, No. 3 (1989): 287-307 at p. 291.

19 Edward Girardet, *Afghanistan: The Soviet War* (New York: St. Martin's Press, 1985), p. 167.

20 Roy argues that the term 'Islamist' is preferable to 'fundamentalist', since the latter invokes the return to a former state based on the pure meaning of the Koranic Scriptures, whilst the Islamists aim to create a modern political state based on Islamic ideology. See Roy, *Islam and the Resistance in Afghanistan*, pp. 3-6.

21 Rubin, *The Fragmentation of Afghanistan*, p. 199.

to the Islamist parties over the traditionalist parties in the belief, *inter alia*, that an ideologically-minded Islamist regime installed in Kabul would be less supportive of the irredentist demands.[22] Olivier Roy contends that the preference for the Islamic parties was due less to ideological affinities of the Pakistani government, than to the influence of highly placed individuals in *Jama'at-e Islami*.[23] Nevertheless, all observers recognise the special position accorded by the ISI to Hekmatyar's radically Islamic party, *Hezb-e Islami*, which received a disproportionate share of military and financial aid, and international recognition.

The Pakistani authorities, through according recognition to certain parties over others, and allocating disproportionate finance and weapons to favoured groups, were pursuing a policy of divide and rule to avoid 'another Palestine'. For the US and Saudi Arabia, however, the diplomatic war against the Soviet Union was as important as the military one, and unification of the parties was a vital component of such a strategy. Saudi Arabia made funding conditional upon the formation of an alliance of unity. Hence, in 1980, an alliance of five parties (which Hekmatyar's refused to join) formed, but soon disintegrated, polarising along Islamist and traditionalist lines. Other attempts to form a union were plagued by ethnic, tribal and religious differences among the parties, but in 1985, under pressure from external supporters and Pakistan,[24] a broad alliance was formed and named the Islamic Unity of Afghan Mujahideen.[25] The Soviet withdrawal from Afghanistan demonstrated the fragility of the alliance as the parties turned their weapons on one another.

Thus Pakistan performed a crucial role for the Afghan resistance as a conduit for arms and finance from external supporters, and in facilitating the political organisation of the resistance. But a crucial factor in Pakistan's ability to fulfil such a role was the presence of millions of Afghan refugees who had fled to Pakistan. Militarily, they provided an invaluable service as Yousaf suggests:

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22 Richard P. Cronin, *Afghanistan After the Soviet Withdrawal: Contenders for Power* (Washington: Congressional Research Service Report for Congress, 1989), p. 12.

23 Roy, *Islam and the Resistance in Afghanistan*, pp. 209-210.

24 According to Yousaf, President Zia personally intervened to insist on the 1985 alliance, and imposed ultimatums on the parties. See Yousaf and Adkin, *The Bear Trap*, p. 39.

25 For details about the political parties and their differences in Pakistan see Anthony Hyman, 'The Afghan politics of exile', *Third World Quarterly* 9, No. 1 (1987): 67-84.

> Our [ISI] interest in the camps was that they provided a safe refuge from the war for the families of the Mujahideen, who could fight in Afghanistan in the knowledge that their relatives were immune from reprisals. They also acted as places to which the Mujahideen could return for a rest and to see their families without compromising themselves. Also, inside these camps was a huge reservoir of potential recruits for the Jehad. Thousands of young boys came to the camps as refugees, grew up, and then followed their fathers and brothers to the war. [26]

Relative to the extent of the direct military support that the resistance received, the role of the refugee camps may not have been essential to the overall success of the resistance struggle. Nevertheless, the camps did play an important role in the resistance movement as illustrated by Yousaf, and also in more subtle ways than the purely military dimension as Part Two demonstrates.

2. PAKISTAN AS A HUMANITARIAN SANCTUARY

The Soviet invasion of Afghanistan provoked a massive exodus of Afghans across the border into Pakistan, initially at a rate of 1,000 per day, but increasing to an average of 4,700 per day between January and June 1981 in response to Soviet tactics aimed at depopulating rural areas.[27] According to Pakistani statistics, there were an estimated 500,000 refugees in Pakistan in mid-January 1980; more than 1 million by July 1980; 2 million by May 1981; and 2.5 million by December 1984. By 1989 the number was estimated at 3.5 million. These figures remained only a rough estimate of the real number of Afghans living in Pakistan, however, due to difficulties inherent in refugee registration, and the existence of a porous border with Afghanistan.[28] On the one hand the United Nations (UN) thought that the numbers in the camps were inflated due to false or multiple registrations,[29] and on the other hand an estimated 200,000 to 400,000 refugees remained unregistered since they settled outside the government-designated refugee sites and thus did not qualify for registration or food and non-food rations.[30] The 'official' refugees settled in camps (or 'refugee tented villages' as they were known)

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[26] Yousaf and Adkin, *The Bear Trap*, p. 138.

[27] Louis Dupree and Nancy Hatch Dupree, 'Afghan Refugees in Pakistan', *World Refugee Survey: 1987 in Review* (Washington: US Committee for Refugees, 1988), pp. 17-21 at p. 17.

[28] Nancy Hatch Dupree, 'Demographic Reporting on Afghan Refugees in Pakistan', *Modern Asian Studies* 22, No. 4 (1988): 845-865.

[29] Marvin G. Weinbaum, *Pakistan and Afghanistan: Resistance and Reconstruction* (Boulder: Westview Press, 1994), p. 54.

[30] Pierre Centlivres and Micheline Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', *Current Sociology* 36, No. 2 (1988): 71-92 at 73.

which were established for an average of 10,000 inhabitants, although some camps were much larger. By 1986 there were 350 such camps, 72 percent of which were located in the NWFP, 24 percent in Baluchistan, and 4 percent in the Punjab.[31]

All the advantages that Rufin suggests guerrilla movements accrue from humanitarian sanctuaries were evident in the Afghan camps in Pakistan: international protection; diverse and neutral sources of resupply; and mechanisms through which to exert influence over the civilian population. The camps also served another crucial function described by Zolberg, Suhrke and Aguayo: the bestowal of legitimacy upon the resistance movement.

> Refugees constitute a legitimizing population for the warriors. The presence of a large population in exile is taken as a physical testimony of support for the warriors, at least in the sense that they represent a rejection of the other side in the conflict.[32]

This was arguably the most important role the camps played in the Afghan conflict for the resistance and for Pakistan as host. The more legitimate the cause, the greater the justification in the West for continuing active support for the guerrilla war.

2.1 Protection

The Soviet forces intentionally provoked refugee flows into Iran and Pakistan to deprive the guerrillas of local support bases within Afghanistan for shelter, food and information, essential ingredients in guerrilla strategy. They pursued policies of blanket bombing and infrastructural destruction, particularly in the provinces bordering Pakistan.[33] These tactics compounded the general condemnation of the Soviet invasion[34] and the refugees gained widespread sympathy in the West. Other simultaneous crises occurring in the world, such as the thousands of Iranians fleeing to Pakistan to escape

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31 Hatch Dupree, 'Demographic Reporting on Afghan Refugees in Pakistan', p. 846.

32 Zolberg et al., *Escape from Violence*, p. 277.

33 Sliwinski notes that 'from 1978 to 1981, the Soviets gave priority to isolating the resistance movements by creating a cordon sanitaire along the Pakistan border, and consequently this strip was depopulated by aerial bombings'. Marek Sliwinski, 'Afghanistan: The decimation of a People', *Orbis* 33, No. 1 (1989): 39-56 at p. 50.

34 In a special session, the United Nations General Assembly overwhelmingly adopted a resolution calling for 'the immediate, unconditional and total withdrawal of the foreign troops from Afghanistan'. United Nations General Assembly, *Resolution* ES-6/2, 14 January 1980 as cited in William Maley, 'The Geneva Accords of April 1988', in Amin Saikal and William Maley (eds), *The Soviet Withdrawal from Afghanistan* (Cambridge: Cambridge University Press, 1989), pp. 12-28 at p. 13.

the Khomeini regime and conscription into the war against Iraq, did not attract the same attention. Their case was equally life threatening, but for them there were no camps, no mass relief, and very little international attention.[35]

The international focus on the refugees in Pakistan enhanced the security of the camps, providing a safe-haven to the *mujahideen* and their families in which they could rest and recuperate. The presence of the refugee camps was not vital to the protection of the combatants as both 'bachelor camps' and training camps existed in Pakistan, separate from the refugee camps. Nonetheless, without the presence of such a large population of refugees, it is doubtful that Pakistan could have provided such extensive military support to the Afghan resistance. The refugee camps supplied a cover for military activities and the involvement of Pakistan, and the international attention focused on the refugees reduced the chances of retaliatory attacks by the Soviet forces. Several aerial attacks against refugee camps did occur in early 1987 in NWFP, killing and wounding hundreds of refugees, *mujahideen* and Pakistanis,[36] and cross-border incursions and infiltrations of the refugee camps by Soviet/Afghan government forces and agents occurred, particularly in mid-1984.[37] But no major military reprisals were ever undertaken against Pakistan, although this may have had more to do with avoiding direct confrontation with Pakistan's allies, than with the presence of refugees among combatants.

The humanitarian sanctuary was further enhanced in Pakistan by provision of treatment facilities for wounded *mujahideen* who survived the journey to the border. The International Committee of the Red Cross (ICRC) ran two fully equipped surgical hospitals, one in Peshawar and one in Quetta, for the treatment of Afghan war wounded. The paradox of humanitarian action rehabilitating combatants thereby enabling them to return to battle can be seen at health posts in Afghanistan today, as men wearing prostheses fitted in the 1980s come for treatment of their latest war wound.

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35 Zolberg et al., *Escape from Violence*, p. 154.

36 See *By All Parties to the Conflict: Violations of the Laws of War in Afghanistan* (New York: Helsinki Watch/Asia Watch, March 1988), pp. 81-83.

37 See Allen Jones, *Afghan Refugees: Five Years Later* (Washington: US Committee for Refugees, 1985), p. 13.

2.2 War Economy

The contribution of humanitarian aid to the war economy in Afghanistan is difficult to assess. Several sources allege that millions of dollars of funds for the refugee program were diverted by resistance parties and Pakistani officials,[38] but whether these funds flowed to combatants or lined the pockets of Afghan party members and Pakistan officials is impossible to gauge. Material supplies meant for the refugee camps might also have crossed the border into Afghanistan, although the significance of the volume was limited by logistical constraints: all materials were carried personally or transport by animal across the mountains. As there was a cross-border aid program, it probably contributed more to the war economy than aid from the refugee camps. Helga Baitenmann noted that inside Afghanistan 'humanitarian aid has frequently been stolen before reaching the intended beneficiaries, reports have been falsified, and... some rebels have given the right to work in their areas to the highest-bidding NGO [non-government organisation]'.[39]

Aid to the refugee camps did indirectly benefit the resistance, however, through easing the responsibility of combatants to provide for their families, thereby permitting more energy and resources to be committed to the war effort. The aid distribution system in the camps was also structured to support the resistance. Recruits who left the camps to participate in *Jihad* did not lose their entitlements to food rations, even if they were away for months at a time. A specific *Jihad* book registered absences and allowed a designated local official to act on behalf of the *mujahid*, collecting all the commodities distributed in his absence.[40] Humanitarian aid also fed *mujahideen* fighters when quantities of food were diverted to the 'bachelor' camps,[41] but this was not a systematic or regular occurrence.

Thus indirectly the humanitarian sanctuaries aided the resistance through the provision of protection and some contributions to the war economy. It was, however, in the

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[38] ibid., p.67. Also See Edward Girardet, 'Corrupt Officials Reap Spoils of Afghan War', *Christian Science Monitor*, 7 September 1988 as noted in Weinbaum, *Pakistan and Afghanistan: Resistance and Reconstruction*, p. 59.

[39] Helga Baitenmann, 'NGOs and the Afghan War: the Politicisation of Humanitarian Aid,' *Third World Quarterly* 12, No. 1 (1990): 62-85 at p. 73.

[40] Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 83; and Amstutz, *Afghanistan: The First Five Years of Occupation*, p. 229.

[41] Pierre Centlivres and Micheline Centlivres-Demont, 'The Afghan Refugees in Pakistan: An Ambiguous Identity', *Journal of Refugee Studies* 1, No. 2 (1988): 141-152 at p. 150.

political rather than the military realm that the refugee camps made their greatest contribution to the guerrilla war.

2.3 *Legitimacy*

Pakistan was the first beneficiary of the legitimacy that often flows from international humanitarian action. As host to million of refugees, the Pakistani government became pivotal as interlocutor between the international community and the refugees. The Pakistani president, General Zia, rapidly capitalised upon this and, like Mobutu Sese Seko of Zaire 15 years later, Zia was turned by the refugee flow from an international pariah to a 'respectable' statesman. Prior to the refugee influx, Zia was ostracised by many countries for Pakistan's poor human rights record, particularly the 1979 execution of the former Prime Minister, Zulfikar Ali Bhutto, at the directive of Zia. But Pakistan's public image greatly improved as a result of its role as host to some three million refugees, and the hospitality accorded to the predominantly Pashtun[42] refugees helped to defuse the Pashtunistan issue. Moreover, the loyalty accorded to Zia by the refugees under the Pashtun tribal code, *Pashtunwali*, obliged the refugees to defend their host in times of difficulties or hostilities. Pierre Centlivres and Micheline Centlivres-Demont reported that several Afghan leaders affirmed their commitment to fight for Zia if conflict with India arose.[43]

General Zia's political power was also enhanced by the financial package offered by the US which enabled Zia's government to modernise the Pakistani military with sophisticated weaponry.[44] Furthermore, the flood of refugees provided a pretext for maintaining the domestic 'state of emergency', thereby restraining political opponents, who were forbidden to operate their own political parties or run a free press.[45] Many Pakistani opposition members thus deeply resented the government tolerance of

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[42] Until 1984, 80-94 percent of refugees were from the Pashtun ethnic group. See Hatch Dupree, 'Demographic Reporting on Afghan Refugees in Pakistan', p. 848; and Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 73.

[43] Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: An Ambiguous Identity', p. 147.

[44] Dupree and Hatch Dupree, 'Afghan Refugees in Pakistan', p. 21.

[45] Jones, *Afghan Refugees: Five Years Later*, p. 16.

Afghans operating exile resistance organisations, publishing newspapers and holding meetings on Pakistani territory.[46]

Zia also gained stature in the Muslim world through supporting the more Islamic resistance parties operating in Pakistan, and as mentioned earlier, US objections to Pakistan's pursuit of a nuclear program were repeatedly postponed in the face of the more pressing issues of Pakistan's loyalty to the US. Thus the Afghan resistance benefited from having such a compliant host, and General Zia benefited through the international recognition and military support that accompanied the roles of host to the world's largest refugee population, and bastion of opposition to communist oppression.

Whilst international sympathy towards the Afghan refugees helped to legitimise General Zia and the *mujahideen*, it was through the refugees in Pakistan that the leaders of the Afghan political parties gained legitimacy; legitimacy which they might not have otherwise been accorded, due to their general absence of military prowess or territorial bases inside Afghanistan. And, as with the military aid to the resistance, it was the strong arm of Pakistan that created the conditions through which the political parties could utilise the mass of humanity to their political advantage. Pakistan was not a signatory to the 1951 Refugee Convention or 1967 Protocol, and invited United Nations High Commissioner for Refugees (UNHCR) participation only in the coordination of relief activities. Pakistani authorities were appointed to administer the camps. A Pakistani Chief Commissionerate for Afghan Refugees was assigned to supervise the overall refugee situation, and Pakistani officials held various positions in the administrative apparatus of the camps. To assist in the camp management, they established committees of public order (*Islahi komite*) and appointed a refugee representative (*malik*) in each camp to distribute relief goods to the families he represented. Although *maliks* were supposed to be traditional representatives of the Afghan refugees, the individuals chosen to fulfil this role were often the choice of the Pakistani authorities, since the Pakistanis preferred an interlocutor with whom they were assured cooperation.[47] Thus the Pakistani government exercised authority in the camps

[46] Girardet, *Afghanistan: The Soviet War*, p. 207.

[47] Lynn Carter and Kerry Connor, 'A Preliminary Investigation of Contemporary Afghan Councils' (Peshawar: Agency Coordination Body for Afghan Relief (ACBAR mimeo, 1989), pp. 18-19 as cited in Weinbaum, *Pakistan and Afghanistan: Resistance and Reconstruction*, p. 57.

at every level and also met approximately half of the cost of the refugee assistance, estimated in excess of $1 million per day in 1984.[48]

The Peshawar-based political parties used the refugees to gain international recognition and funding by posing as their legitimate representatives. The more 'support' the parties could show, the more weight they carried in their fundraising and diplomatic sojourns abroad. Hence the parties obliged the refugees arriving from Afghanistan to become affiliated to one of the Pakistani-recognised parties in order to be certified as refugees.[49] Edward Girardet describes how party activists waited at the frontier villages and enlisted entire families, clans and tribes into political parties.[50] Those who were not affiliated in this way joined parties through the *malik*, and many refugees were registered by more than one party. Unable, for the most part, to read, they initially had little idea of what they had joined,[51] but camp life soon rectified that; in the course of research conducted by Centlivres and Centlivres-Demont, they met hardly anyone who did not have allegiance to a party and did not know the name of their party leader. They found that allegiance had little to do with ideology, being rather a result of the intense propaganda in the camps in the form of posters, iconography, martyr worship, religious schools, and the distribution of membership cards.[52]

Pakistan collaborated fully in this process. Party affiliation was imperative to receive a refugee identity card, without which an Afghan could be suspected of being a KhAD[53] agent and have constant problems with the Pakistani police.[54] Travel within Pakistan and abroad was impossible without an identity card, and employment in Pakistan, even for highly-educated Afghans, could only be found through the political parties, particularly Hekmatyar's *Hezb-e Islami*. Even Western aid organisations accepted the party card as the refugee identity card, so entrenched was the practice.[55] In addition, the revenue collected from membership fees was a source of income for the parties.

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48 Girardet, *Afghanistan: The Soviet War*, p. 204 and Hatch Dupree, 'Demographic Reporting', p. 845.

49 A Helsinki/Asia Watch report noted that this system gave political parties 'a veto over whether a refugee will receive assistance and turns refugee aid into a political patronage plum'. *By All Parties to the Conflict*, p. 90.

50 Girardet, *Afghanistan: The Soviet War*, p. 173.

51 ibid.

52 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 86.

53 The KhAD was the secret police of the Afghan government; the local equivalent of the KGB.

54 Dr Haider Reza, personal interview, 4 June 1997.

55 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 83.

The legitimacy of the political leaders thus derived from their assumed representation of the refugee population. Since support from the West was proportional to the representation claimed, factional competition for refugee allegiance was strong. The refugee camp structures, therefore, became useful tools in gaining influence over the refugee population.

2.4 Population Control

Unlike many other refugee camps around the world, the influence exerted over the refugee population was more normative than coercive.[56] The Afghan resistance had the overwhelming support of the refugees and pictures of martyrs from the *Jihad* adorned various buildings throughout the refugee camps. Recruitment of combatants, for example, was not forced, but expected of male refugees. A survey conducted in the camps of the NWFP in 1991, found that 83 percent of people who had visited Afghanistan since becoming a refugee had returned for *Jihad*.[57]

> Every family is obliged to send a member to take part in the *Jihad* who is expected to spend up to three months at the battle front. When the three months are over, the Mujahed returns and is replaced by another member of the family, his brother, father or cousin.[58]

Enjoying universal refugee support, the resistance did not need to manipulate the relief distributions in the camps to that end per se, but to cultivate support for one faction over another. The Islamic parties, particularly *Hezb-e Islami*, benefited from preferential access to the aid programs between 1980 and 1983, due to the influence of the Pakistani Refugee Commissioner, Sheikh Abdullah Khan.[59] Educational programs became a primary instrument of indoctrination, and some 250 schools with 43,000 students and 1,500 teaching and administrative staff were operated by the *Hezb-e Islami*. The

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[56] Although after the Soviet withdrawal, the increased tension between the parties spilled over to their supporters, and increasingly coercive means were employed, particularly by the extremist Islamic parties against refugees aligned with the relatively secular parties. See *Afghanistan: The Forgotten War. Human Rights Abuses and Violations of the Laws of War Since the Soviet Withdrawal* (New York: Asia Watch, February 1991), pp. 99-123.

[57] Mamoona Taskinud-Din, *UNHCR-IRC Survey of Socio-economic Conditions of Afghan Refugees Living in NWFP Camps* (Peshawar: UNHCR Sub-office, February 1992), p. 45.

[58] ibid.

[59] Amstutz, *Afghanistan: The First Five Years of Soviet Occupation*, p. 229; Weinbaum, *Pakistan and Afghanistan: Resistance and Reconstruction*, p. 59. Abdullah was replaced with an apolitical official by General Zia in 1983, after relations between his government and the *Jama'at-e Islami* became strained. See Roy, *Islam and the Resistance in Afghanistan*, p. 210.

graduates of these schools formed the new generation of *Hezb*, including the majority of the soldiers of Hekmatyar's military force, the Army of Sacrifice (*Lashkar-e Isar*).[60] School curricula included paramilitary training and emphasised concepts surrounding *Jihad* and anti-Soviet sentiment.[61] *Hezb-e Islami* also had its own police, courts and prisons, and opponents were 'persecuted, criminals tried and convicted, and the infrastructure maintained, all on the alien territory of Pakistan'.[62]

The food distribution system initially conducted by the *maliks* was also instrumental in the control of refugees, enabling the establishment of patron-client relationships between the *maliks* and refugee families. The *maliks* kept the ration books between distributions, charged a fee for facilitating distributions, and accumulated extra rations for their favoured clients.[63] UNHCR considered these practices corrupt and discontinued distributions through the *malik*, instead giving rations directly to the heads of families in the camps. Nevertheless, the *maliks* retained influence through acting as interlocutor between the refugees and the Pakistani authorities or aid organisations, and remained involved in the transportation of supplies. In many areas they also conducted a redistribution of relief goods after the official distribution was complete.[64]

The refugee camp structures thus empowered certain elements of society, often to the detriment of the traditional leaders. In rural Afghan villages there was traditionally no single *malik*, but a collective leadership of elders through a village council, each having a different area of responsibility.[65] But in the refugee camps the *maliks* possessing liaison skills became prominent through dealing with the Pakistanis and aid organisations, as did the *maliks* appointed by the Pakistani authorities. Consequently, competition erupted between the new *maliks* (called 'ration' or 'rupiyah' *maliks* among the refugees) and the traditional Afghan leadership. The political parties that sought to

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60 Rubin, *The Fragmentation of Afghanistan*, p. 215.

61 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 89.

62 Cheryl Benard, 'Politics and the Refugee Experience', *Political Science Quarterly* 101, No. 4 (1986): 617-636 at 630.

63 Pierre Centlivres and Micheline Centlivres-Demont, 'Hommes d'influence et hommes de partis: L'organisation politique dans les villages de réfugiés afghans au Pakistan', in Erwin Grötzbach (ed.), *Neue Beiträge zur Afghanistanforschung* (Liestal: Stiftung Bibliotheca Afghanica, 1988), pp. 29-46 at p. 36.

64 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 82.

65 For a more detailed discussion of the societal changes see Louis Dupree, 'Cultural Changes Among the Mujahidin and the Muhajerin', in Bo Huldt and Erland Jansson (eds), *The Tragedy of Afghanistan: The Social, Cultural and Political Impact of the Soviet Invasion* (London: Croom Helm, 1988), pp. 20-37.

optimise their influence in the camps through appointing as their representative either the respected *ulema* or the young educated militant exacerbated this competition.[66]

A survey published by the Afghan Information Centre Monthly Bulletin suggested that legitimacy of leaders was not widely accepted, with more than 70 percent of Afghan refugees interviewed preferring the King to any of the political leaders as a future head of state of Afghanistan. Barnett Rubin, however, suggests that the survey methodology was not accurate and, although representative of the position of the elders, it did not take into account that the younger generation would not have contradicted the elders in front of strangers whether they agreed or not.[67] Either way, it was Pakistan that determined the political orientation of the refugees through obliging adherence to one of the Pakistani-recognised political parties, and by denying the royal family entry into Pakistan.

In summary, the refugee camps served several purposes in the resistance to Soviet occupation of Afghanistan. They provided a military sanctuary in which combatants could receive protection, food, medical attention, and security for their families, and the presence of three million refugees provided a shield behind which the Pakistani government could channel military aid and training to the *mujahideen* fighters. With military means, General Zia and the Peshawar-based political parties were empowered, and with humanitarian means they were legitimised. Without this support, the political parties may have remained on the fringes of Afghan political life. But as Ted Carpenter argues, with the backing of the US and the Pakistanis 'they were not only able to dominate the Afghan exile community, they acquired even more influence than many of the military commanders who were waging the armed struggle against the Soviet and Afghan communist forces'.[68]

Overt manipulation of the refugee community through the aid structures empowered the party leaders at the expense of the traditional leadership, the repercussions of which are visible in the continuing civil war. It is interesting to note that many of the *Taliban* that hold power in Afghanistan today were born in the refugee camps in Pakistan and

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66 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 83.

67 Rubin, *The Fragmentation of Afghanistan*, p. 249, and endnote 5 of Chapter 11, p. 339. Louis Dupree also doubted the validity of polls conducted among the refugees that showed a preference for the return of Zahir Shah. See Louis Dupree, 'Post-Withdrawal Afghanistan: Light at the End of the Tunnel', in Amin Saikal and William Maley (eds), *Soviet Withdrawal from Afghanistan* (Cambridge: Cambridge University Press, 1989), pp. 29-51 at p. 43.

68 Carpenter, 'The Unintended Consequences of Afghanistan', p. 79.

educated in their particularly repressive brand of Islam[69] in Pakistani *madrassas* (Islamic colleges). The rival Islamic party in Pakistan, the *Jama'at-e Ulema-i Islami* was largely behind the creation of the *Taliban* movement, having built up a support base in Baluchistan and NWFP by 'opening up madrassas and carrying out relief work in the refugee camps'.[70]

Humanitarian aid was instrumental in the political manipulation of the refugee population. While most actors accepted this in the name of a just cause during the Soviet occupation of Afghanistan, the repercussions of the absence of humanitarian space were increasingly realised when the Soviet army withdrew.

3. THE RELIEF RESPONSE: IN THE NAME OF A JUST CAUSE

In an article entitled 'Military and Armed Attacks on Refugee Camps', Elly-Elikunda Mtango wrote that clear evidence of what occurred in the refugee camps in Pakistan is difficult to obtain.[71] In condemning an attack in Kurram district of Pakistan in 1987 which killed 42 people, the majority of whom were Afghan refugees, he states that 'there is no justification for attacking refugees on the mere suspicion that (from time to time) some guerrilla fighters may be living among the civilian refugees'.[72] Similarly, Asia Watch denounced such attacks stating that 'even if the mujaheddin were present in the camps in force... the rule of proportionality requires the DRA [Democratic Republic of Afghanistan] to refrain from striking there because of the large number of civilians present.'[73]

Now that clearer evidence of the involvement of the refugee camps in the war is available, can such attacks be legally justified as self-defence? Knowing that Soviet and Afghan agents infiltrated the camps, it is perhaps surprising that more attacks did not occur. But whether the attacks were legal or illegal is of less interest here than the fact

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[69] For a discussion of the origins and doctrine of the *Taliban* see William Maley, 'Interpreting the Taliban', in William Maley (ed.) *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst & Company, 1998), pp. 1-28.

[70] Ahmed Rashid, 'Pakistan and the Taliban', in William Maley (ed.) *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst & Company, 1998), pp. 72-89 at p. 75.

[71] Elly-Elikunda Mtango, 'Military and Armed Attacks on Refugee Camps', in Gil Loescher and Laila Monahan (eds), *Refugees and International Relations* (Oxford: Oxford University Press, 1989), pp. 87-121 at p. 95.

[72] ibid.

[73] *By All Parties to the Conflict*, p. 81.

that they did occur as a consequence of the presence of *mujahideen* fighters among the refugees. Why was there so little discussion of the potential repercussions of the role of the refugee camps in the war?

Two main factors help to explain the acceptance of the status quo in the camps by the humanitarian community. The first concerns the persuasions of the aid organisations working in the refugee camps which can be divided into two forms, politically-oriented and technically-focused. The second explanation stems from the first and relates to the difference between the normative perception of the refugee community held by the international aid organisations, and the way in which the refugees perceived themselves.

3. 1 Different Approach, Same Ends

The Afghan resistance was idealised in the Western public, and the notion of a 'just war' was emphasised in the minds of many aid workers operating in the camps. Nineteen international NGOs were formed specifically to respond to the Afghan crisis, the majority of which were 'solidarity NGOs' with an overtly political focus.[74] Some of them restricted their activities to lobbying, but most became operational in either the refugee camps or in the cross-border program, or both. These 'solidarity' NGOs joined approximately 50 established international NGOs which had programs in other parts of the world. With humanitarian relief activities predominantly restricted to the periphery of conflicts during the Cold War, most humanitarian activity was undertaken in refugee camps, assisting, for the most part, refugees who had been uprooted from their homes by oppressive policies and human rights abuses carried out by totalitarian regimes. Hence the 1980s saw some aid organisations taking an increasingly active stance on the side of the 'victims' over the 'oppressors' and directed their relief aid accordingly. For *Médecins sans Frontières* (MSF), which worked in the refugee camps and was the first NGO to work clandestinely inside Afghanistan in 1980,[75] this was certainly the case: 'in

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[74] Nigel Nicholds with John Borton, *The Changing Role of NGOs in the Provision of Relief and Rehabilitation Assistance: Case Study 1 - Afghanistan/Pakistan* (London: Working Paper 74, Overseas Development Institute, 1994), pp. 73-78.

[75] See Asger Christensen, *Aiding Afghanistan: The Background and Prospects for Reconstruction in a Fragmented Society* (Copenhagen: Nordic Institute of Asian Studies, 1995), p. 127.

Afghanistan, MSF never sought to take a neutral stance... we had implicitly picked our side'.[76]

Even if other organisations did not feel or express their opinion so bluntly, the fact that a superpower had engaged brutal and disproportionate strength to crush a popular resistance movement into submission invoked a moral imperative to aid the victims. The Soviet forces razed villages and hospitals, and dropped napalm and explosive devises, some of which resembled toys, to terrorise, maim and kill civilians and combatants alike. The resistance was armed with only basic weapons until the 1986 introduction of the Stinger anti-aircraft missile. Thus the majority of aid organisations felt assistance to the resistance was just.

The 'justness' of the resistance cause was further enhanced by restrictions placed on aid to the civilian populations in Afghanistan by the government in Kabul. The Kabul regime occupied Afghanistan's seat at the UN, and any proposal for UN relief agencies to intervene in the *mujahideen* areas faced an effective veto from the Soviet Union. UN agencies and ICRC were restricted to working in areas approved by Kabul which were predominantly around major cities, not in rural and resistance-held areas. As a consequence, a few NGOs mounted clandestine missions into these areas from Pakistan. Most, like MSF, *Aide Médicale Internationale* and the Swedish Committee for Afghanistan provided medical assistance to casualties of war, but some like American Aid for Afghans, also engaged in the provision of clothing, boots and equipment for the clandestine Radio Free Kabul.[77] Until 1986, only some 10-15 NGOs conducted cross-border operations from Pakistan, and they were limited in the scale of activities that they could undertake.[78] But numbers rose significantly once the introduction of the Stinger missile reduced the risk from air attack, and once the US provided funding for cross-border activities.[79]

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[76] Rony Brauman 'Foreword', in Médecins sans Frontières (ed.), *World in Crisis: The politics of survival at the end of the twentieth century* (London: Routledge, 1997), pp. xix-xxvi at p. xxii. Also see *Les French Doctors dans le piège Afghan*, un film de Joël Calmettes. Etat Urgence et FR3-GMT Productions, 1996, 52 minutes.

[77] John H. Lorentz, 'Afghan Aid: The Role of Private Voluntary Organizations', *Journal of South Asian and Middle Eastern Studies* 9, No. 1&2 (1987): 102-111 at p. 106.

[78] S. Barakat and A. Strand, 'Rehabilitation and Reconstruction of Afghanistan: a challenge for Afghans, NGOs and the UN', *Disaster Prevention and Management* 4, No. 1 (1995): 21-26 at p. 23.

[79] The first US funds available for cross-border programs inside Afghanistan were an $8 million allocation for 1985. In 1986 this rose to $15 million and to $45 million in 1988. Lorentz, 'Afghan

Not all aid agencies chose to 'politicise' their work, and particularly prior to 1986, the majority focused on the technical aspects of relief provision in the camps, turning a blind eye to the use of the camps by the Afghan resistance. Girardet states that some agencies restricted their activities to 'official' areas for fund-raising purposes, and cited a CARE official as stating that 'we are not into clandestine relief'.[80] However, the extent to which they acknowledged the vested interests of many of their institutional donors, and reduced their dependence on them accordingly, varied. UNHCR, for example, was limited in its capacity to guarantee the 'civilian character' of the camps since its leverage with Pakistan was weakened by Pakistan's not being a party to the 1951 Refugee Convention. UNHCR did, however, try to prohibit the carrying of arms in the refugee camps and attempted, sometimes in vain, to prevent the diversion of aid to 'bachelor' camps of the *mujahideen*.[81] In addition, UNHCR became aware of the obligation of refugees to join political parties in 1982, but strong pressure was allegedly placed on the organisation by the US to avoid interfering in Pakistani policy.[82] As the largest donor of what they termed 'non-lethal' aid, providing one-third of UNHCR's special budget for Afghanistan, and one-half of the commodities of the World Food Programme (WFP),[83] the US had considerable leverage over aid policy.

UNHCR was not the only agency to be strongly influence by US funding; many NGOs were direct tools of US foreign policy. Whether they believed they were neutral or not, NGOs that received US funding either in Pakistan or for cross-border operations were assisting the foreign policy strategy of the US Government. In Pakistan, US aid aimed to placate Pakistan to avoid, in the words of a US State Department cable, 'the chances that Pakistan might abandon its stalwart opposition to the Soviet intervention in Afghanistan in favour of accommodation with the USSR.'[84] The US Administration provided funding to American NGOs such as CARE, Catholic Relief Services (CRS),

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Aid: The Role of Private Voluntary Organizations', p. 107 and Baitenmann, 'NGOs and the Afghan War: the politicisation of humanitarian aid', p. 75.

80 Girardet, *Afghanistan: The Soviet War*, p. 210.

81 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: An Ambiguous Identity', p. 150.

82 Baitenmann, 'NGOs and the Afghan War: the politicisation of humanitarian aid', p. 68.

83 Amstutz, *The First Five Years of Occupation*, p. 227.

84 US State Department Cable A-67 from Islamabad, 8 September 1981 as cited in Baitenmann, 'NGOs and the Afghan War: the politicisation of humanitarian aid', p. 69.

the International Rescue Committee (IRC), and Church World Services in the camps, many of which coordinated their relief efforts with US policy in return.[85]

The US cross-border program of non-lethal aid was even clearer in its aims: to bring essential supplies to Afghans living in resistance-controlled regions so that the resistance would be able to organise genuine base areas.[86] Baitenmann argues that NGOs were direct instruments of this policy: 'when the USA has wanted to strengthen certain commanders, it has done so through NGOs'.[87] She cites Afghanaid as an example, stating that it received 65-70 percent of its funding from US government sources, including State Department funding specifically for aid to the Panjshir Valley where General Massoud was based.[88] Some NGOs refused US Government finance to retain some measure of independence from government policy. These NGOs, however, were the exception rather than the rule, and aid served to bolster the prestige and legitimacy of certain commanders inside Afghanistan over others. 'Aid resources were after all, an important means by which these leaders expected to insure the loyalty of groups and individuals'.[89]

Thus whether NGOs adopted a position of solidarity with the *mujahideen*, became channels of US anti-communist policy, or simply focused on the technical provision of humanitarian assistance, it was difficult to remain apart from the highly political context of the Afghan refugee camps. The direct involvement of Pakistani authorities in all levels of the relief apparatus exacerbated the constraints of providing impartial relief to the refugee population.

3.2 Contending Images of 'Refugeehood'

The difference in the way the aid organisations perceived the refugees and the way in which the refugees saw themselves provides the second explanation for the lack of condemnation of the violation of the refugee camps; the majority of organisations never acknowledged it. The normative definition of refugees constructed by aid organisations is of dependent, dispossessed victims who are forced to flee their homeland. Fundraising

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[85] Baitenmann, 'NGOs and the Afghan War: the politicisation of humanitarian aid', p. 69.

[86] Rubin, *The Fragmentation of Afghanistan*, p. 224.

[87] Baitenmann, 'NGOs and the Afghan War: the politicisation of humanitarian aid', p. 76.

[88] ibid.

imperatives exacerbate the 'victim discourse', generally portraying the recipients of aid as helpless and deprived, and in need of immediate Western aid. Images such as that painted by Yousaf are typical. He characterised the refugee camps as:

> squalid places, teeming with humanity. Overcrowding has put impossible strains on rudimentary water, sanitation, and medical facilities. Refugees arrive weak and exhausted, many are sick or wounded, all are virtually destitute.[90]

Without trivialising the suffering that the refugees underwent, the conceptualisation of the refugees as dependent, vulnerable, victims masked the reality that they were also a highly politicised population, many of who chose to flee an infidel government, and who above all wanted to return to their homeland.

For the Afghan refugees, fleeing a communist regime in Kabul held a different connotation from that of non-Muslim populations escaping communist regimes elsewhere. According to Islamic teachings, Muslims are encouraged to leave Muslim territory which is occupied by infidels or in which the free practice of Islam is forbidden. Following the practice of the Prophet Mohammad, who fled from Mecca to Medina in 622 AD when persecuted for his beliefs and teachings, the Koran states that 'those who believed and left their homes and strove for the cause of Allah... these are the believers in truth'.[91]

The term in Arabic for refugee is *mohajir* and has the same root as the word *hejra* which refers to Mohammad's flight into exile. A *mohajir* is a person who voluntarily takes exile and has severed ties with relatives and possessions, thus denoting courage for sacrificing comfort and family, rather than shame at taking flight. Nazif Shahrani states that the original *hejra* was an obligation: 'not joining the migration resulted in exclusion from the society'.[92]

In Medina, Mohammad built up his support base and prepared for war, marching victoriously into Mecca several years later. Accordingly, for the Afghans, 'the conditions of refugee does not imply renunciation of armed battle, but on the contrary,

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89 Weinbaum, *Pakistan and Afghanistan*, p. 60.

90 Yousaf and Atkin, *The Bear Trap*, p. 138.

91 Cited in Roy, *Islam and the Resistance in Afghanistan*, p. 165.

92 M. Nazif Shahrani, 'Afghanistan's Muhajirin (Muslim "Refugee Warriors"): Politics of Mistrust or Mistrust of Politics', in E. Valentine Daniel and John Chr. Knudsen (eds), *Mistrusting Refugees* (Berkeley: University of California Press, 1995), pp. 187-206 at p. 192.

falling back temporarily to make preparations for a reconquest.'[93] *Mohajir* is thus the other side of *mujahed*, and the resistance movements regularly cited passages from the Koran to this effect: 'those who believe and have emigrated, and have struggled in the way of God with their possessions and their selves are mightier in rank with God; and those - they are the triumphant'.[94] As Centlivres and Centlivres-Demont argue, the conception of *mohajir* was a powerful motivational force in the construction of identity: 'from a personal point of view, it renders a refugee almost a fighter and, from a collective point of view, it binds the group to the very sources of Islam'.[95]

Thus for the refugees, the humanitarian and the political were inseparable: 'what distinguishes the Afghan refugee-warriors' situation in Pakistan from refugees elsewhere is the recognition of and respect for the mutually reinforcing relationship between the humanitarian and political dimensions of their refugee life.'[96] The notions of choice and refugee agency were for the most part overlooked by the Western refugee regime operating in Pakistan. Moreover, the images of refugeehood depicted in fundraising campaigns deny such a role. Understanding the political nature of refugees would have necessitated the recognition of a dilemma and the reconceptualisation of the applicability of Western refugee norms to the Afghan case. It may also have prompted a search for a way of preserving a purely humanitarian space in a context in which the lines between the political and the humanitarian were obviously blurred. It was in the interests of very few aid organisations to do so. The cause was just.

CONCLUSION

Pakistani, Western and Arab interest in the *mujahideen* was insignificant prior to the Soviet intervention of Afghanistan, but this event galvanised anti-communist and Islamic support for Afghan self-determination. The invasion of an independent Islamic state by a communist superpower and the flight of millions of refugees provided a potent mix of incentives. While the presence of refugees generated sympathy in the

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93 Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: A Nation in Exile', p. 87.

94 Sûra IX, 20 as cited in Centlivres and Centlivres-Demont, 'The Afghan Refugees in Pakistan: An Ambiguous Identity', p. 146.

95 Centlivres and Centlivres-Demont, 'The Afghan Refugee Camps in Pakistan: An Ambiguous Identity', p. 147.

96 Shahrani, 'Afghanistan's Muhajirin (Muslim "Refugee-Warriors"): Politics of Mistrust and Mistrust of Politics', p. 201.

West, thereby giving stronger public rationale for supporting the resistance than solely fears of communist expansionism, the direct financial support to the *mujahideen* from the US and Saudi Arabia ($1 billion combined in 1986) and the logistical, training and material support from Pakistan rendered aid a complementary, but in no way determinant, role in the conflict. The humanitarian sanctuaries assisted the resistance through supporting the *mohajir* and *mujahideen* when in Pakistan, but cannot be said to have prolonged the Afghan conflict.

Nevertheless, humanitarian action fuelled aspects of the conflict, the effects of which still reverberate in Afghanistan. With the benefit of hindsight, the role that the camps played in legitimising and empowering the Peshawar political leaders, and the importance of Pakistani influence in this can be fully appreciated. The Western policy of tying funding to the proportional representation among the refugee population inevitably implicated the refugees in the power politics among leaders, and the aid program was manipulated to this end. The primary beneficiary of the influence generated through the refugee camps was Hekmatyar's *Hezb-e Islami*, the party whose attacks on the post-communist Rabbani government in Kabul wrought more destruction on the capital than during the entire Soviet period.

The legitimacy gained by Pakistan as host to the refugees and resistance and the profound role that the country assumed in Afghan affairs during the period of Soviet occupation entrenched Pakistani interference to this day. Although other neighbouring states such as Iran, Uzbekistan, and Russia are implicated in the continuing Afghan conflict through their support for various Afghan factions, Pakistan's support for the *Taliban* 'has unquestionably been broader in its scope and ultimately far more ambitious in its goals than that of other regional powers for their Afghan candidates'.[97] Humanitarian aid organisations operating in the refugee camps in Pakistan in the 1980s had little scope to reduce the influence of Pakistani authorities in the relief effort. It is, after all, primarily the responsibility of the host state to care for refugees on its territory. But the extent to which they accepted conditionalities imposed both by Pakistan and the *mujahideen* while there was a just cause against an identifiable 'oppressor', haunted the aid agencies once the Soviet army left.

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[97] Anthony Davis, 'How the Taliban Became a Military Force', in William Maley (ed.) *Fundamentalism Reborn? Afghanistan and the Taliban* (London: Hurst & Company, 1998), pp. 43-71 at pp. 70-71.

The aid organisations involved in the cross-border program of assistance into Afghanistan were clearly supporting one side of the conflict. Claiming that only ICRC and, later, the UN agencies were consistently present on both sides, Antonio Donini remarked that 'although the civilian populations in the government-held cities suffered from the effects of the war, none of the NGOs based in Peshawar felt a humanitarian imperative to provide aid to these innocent victims'.[98] He is critical of the way in which:

> the humanitarians usually operated in a political space instead of actively promoting humanitarian space and respect for humanitarian values. While this course of action may have been understandable but not excusable during the years of the Soviet invasion, the absence of a peace discourse remained a distinguishing feature of the Afghan scene well after the Soviet departure.[99]

While some of this criticism is valid for reasons discussed further below, Donini overlooks the fact that the Afghan context generated a clash of humanitarian principles, which obviated the possibility of respecting the two most fundamental tenets of humanitarian action. Applying strict neutrality to aid operations was not consistent with applying the proportionality prescript embedded in the principle of impartial relief. Impartiality requires that aid be given without discrimination, but in accordance with the greatest need. The needs of the civilian populations on the *mujahideen* side were greater than those on the government-held side and no aid agency was officially authorised to operate in *mujahideen* areas. ICRC's 'presence on both sides' entailed working in Pakistan with war wounded and in government-held areas after 1988. Before then ICRC was unable to obtain satisfactory agreements from all parties to the conflict to commence programs in Afghanistan.[100] Thus aid agencies venturing to provide aid across the border were meeting a profound humanitarian need and providing the civilian populations with a choice of whether to seek refuge outside the country or remain in their homes.

The lack of neutrality in cross-border relief was less problematic than the compromises that were incurred in supplying it. The aid agencies were dependent upon the protection

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98 Antonio Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique and Rwanda* (Providence: Occasional Paper No. 22, Thomas J. Watson Institute for International Studies, Brown University, 1996), p. 54.

99 ibid.

100 See John Borton with Nigel Nicholds, Charlotte Benson, Sanjay Dhiri, *NGOs and Relief Operations: Trends and Policy Implications* (London: ESCOR Research Study R47774, Overseas Development Institute, 1994), p. 45.

and assistance of the *mujahideen*, and negotiations for the practical application of humanitarian values, such as ensuring that aid reached the most needy, were tainted by support for 'the cause'. But the absence of standards and ground-rules led to the rapid manipulation of aid as it became a source of conflict among the factions in the wake of the Soviet withdrawal. Each faction tried to maximise territorial claims in anticipation of a post-Soviet carve-up of the country, and aid was an important source of legitimacy. Disillusionment crept into aid organisations as the idealised view of the resistance was tempered by factional in-fighting, and the 'freedom fighters' became 'warlords' as the moral crusade against communism was replaced by 'ethnic conflict'.

Thus Donini makes a valid point when he asserts that 'humanitarian activities have played into the fragmentation of Afghanistan society rather than promoting reconciliation'. But given the intensely political context in Afghanistan and in the refugee camps, it appears to be overly ambitious to expect humanitarian action to have served as a tool of peace. The forging of a humanitarian space in which aid could fulfil its humanitarian purpose with minimal negative consequences would have been a major achievement in itself. While this was not achieved, humanitarian aid continued to fuel aspects of the conflict. Thus the primary responsibility of aid organisations was to curb the negative consequences of aid, not to engage in the discourse of peace.

The Afghan context raises interesting questions about the attachment of humanitarian aid to the foreign policy goals of governments, and the role of non-government aid organisations as vehicles of such policy. The case also poses the question of whether the 'good' guerrillas benefiting from the humanitarian sanctuary one day will still be the 'good' movement, faction or government of tomorrow. These questions recur in the following chapters. Most Western observers believed that aiding the resistance was just, not necessarily in terms of the objectives of the Reagan Doctrine, but because of the Afghan right to self-determination. Richard Falk, for example, argues that of two of the theatres of the Reagan Doctrine, Afghanistan and Nicaragua, 'helping the Afghan resistance has been a contribution to self-determination, whereas helping the Contras is an obstruction to self-determination'.[101]

[101] Richard A. Falk, 'The Afghanistan 'Settlement' and the Future of World Politics', in Amin Saikal and William Maley (eds), *Soviet Withdrawal from Afghanistan* (Cambridge: Cambridge University Press, 1989), pp. 142-170 at p. 146.

While American policy may have appeared to support Afghan self-determination during the period of Soviet occupation, the reality became apparent after the Soviet withdrawal: 'the United States made little effort to link its anti-Soviet stand to a commitment to ensure a viable resolution of the Afghan conflict'.[102] Afghanistan lost its strategic value to the United States, and the NGOs which had been conduits of US policy through accepting large amounts of funding were suddenly left with limited financial support. The US Agency for International Development (USAID) withdrew funding from hundreds of health clinics, a medical supply system and training programs in rural Afghanistan.[103] Other donors were sought to continue to assist Afghan civilians plagued by a conflict which the US and Pakistan had a large role in fuelling.

The following chapter examines another highly political refugee context of the Cold War period, which was also heavily influenced by US policies to contain communism. Central America was awash with refugees fleeing both left-wing and right-wing regimes, and Honduras played an unusual role as host to both groups. The next chapter demonstrates the extent of ideological polarisation of the aid community according to contending images of a 'just war'. The paradoxes of humanitarian action were evident to varying degrees in refugee programs for Salvadoran and Nicaraguan refugees, largely with the acquiescence of the aid organisations operating in the camps.

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[102] Amin Saikal, 'The UN and Afghanistan: A Case of Failed Peacemaking Intervention?', *International Peacekeeping* 3, No. 1 (1996): 19-34 at p. 26.

[103] Donini, *The Policies of Mercy: UN Coordination in Afghanistan, Mozambique and Rwanda*, p. 51.

CHAPTER 3

THE NICARAGUAN AND SALVADORAN REFUGEE CAMPS IN HONDURAS

Central America was the scene of large refugee movements from the late 1970s to the end of the 1980s as state repression, guerrilla warfare and human rights abuses drove millions from their homes to become internally displaced within their own countries, or asylum seekers in neighbouring states. El Salvador, Nicaragua and Guatemala were the three main refugee-producing countries, and the United States (US), Mexico, Honduras and Costa Rica were the principal countries of asylum.

This chapter focuses on the refugee context in Honduras. The case has a number of distinctive features, the most salient of which was the divergent standards of asylum accorded to refugees depending upon the message conveyed by their flight. Sharing borders with three countries torn by civil strife, Honduras housed refugees fleeing US-backed regimes in El Salvador and Guatemala in the west of the country, and refugees fleeing the Sandinista[1] regime in Nicaragua in the east (see Map 2).[2] As an ally of the US in a region enmeshed in superpower rivalry, Honduras welcomed Nicaraguan refugees and *contra*[3] insurgents opposing Managua, but was reluctant host to Salvadoran and Guatemalan refugees, and opposed to the Farabundo Martí National Liberation Front (*Frente Farabundo Martí para la Liberación Nacional* - FMLN) in El Salvador. Refugees throughout the region were intensely politicised, their presence considered as 'evidence' to leftists and rightists alike of the brutality and injustice of the opposing regime, and refugees were treated according to the political representations their presence implied.

The highly politicised context had repercussions for refugee protection. Most refugee settlements in Central America were accused of posing a security threat either to the host nation or to the regime from which they fled, through providing sanctuary for

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1 The Sandinistas were named after a Nicaraguan nationalist, Augusto Cesar Sandino.

2 For a discussion of the history and politics of the governments and opposition movements in Central America see John A. Booth and Thomas W. Walker, *Understanding Central America* (Boulder: Westview Press, 1989).

3 The term '*contras*', short for *contrarevolucionarios*, denotes the various groups opposing the Sandinista government in Nicaragua from bases in Honduras, Costa Rica and within Nicaragua.

subversive forces and being sources of political organisation and ideological contagion. The Costa Rican authorities alleged that camps housing Salvadoran refugees 'may have served as training grounds for extremists who return to El Salvador as well trained guerrillas',[4] and harassed the 6,000 refugees present, while concurrently permitting Nicaraguan guerrilla forces to train and operate on Costa Rican soil.[5] Refugee camps in Mexico were attacked by the Guatemalan military,[6] and the Salvadoran Armed Forces (SAF) attacked refugee camps in Honduras, alleging that they harboured members of the FMLN. The *contras* openly lived among refugees along the Honduran-Nicaraguan border.

This case is instructive in illustrating that the humanitarian aid community was not impervious to the politically charged environment of Central America, even if their charters proclaimed neutral and impartial intent. Just as the refugees were tainted by the ideological identification of the regimes they were fleeing, so the aid agencies were tainted by the refugees with whom they chose to work. And while for some this categorisation may have been an unfortunate by-product of the provision of humanitarian assistance in conflict, for most, humanitarian assistance was a tool in a 'just' war against tyranny, whether communist or conservative. With the acquiescence or support of the aid community, the refugees became pawns in a highly politicised context which Zolberg, Suhrke and Aguayo considered was an 'instance of the most extreme use of refugees as policy objects'.[7]

Part One of the chapter examines the role of Honduras as a military sanctuary for the Nicaraguan and Salvadoran opposition forces to contextualise the relative importance of the refugee camps to the *contras* and the FMLN. The US invested heavily in ensuring that Honduras served as a bulwark against the spread of communism in the region, and the *contra* war against the Sandinista government in Nicaragua was mainly directed from Honduras.

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4 Quote from La República (San Jose, Costa Rica), October 7, 1982 as cited in Liisa North and Canada-Caribbean-Central American Policy Alternatives (CAPA), (eds), *Between War and Peace in Central America: Choices for Canada* (Toronto: Between the Lines, 1990), p.147.

5 North and CAPA, *Between War and Peace*, p. 148.

6 See Gil Loescher, 'Humanitarianism and Politics in Central America', in Bruce Nichols and Gil Loescher (eds), *The Moral Nation: Humanitarianism and U.S. Foreign Policy Today* (Notre Dame: University of Notre Dame Press, 1989), pp. 154-191 at p. 158.

7 Aristide R. Zolberg, Astri Suhrke and Sergio Aguayo, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (New York: Oxford University Press, 1989), p. 218.

Part Two analyses the contributions of the refugee camps housing Nicaraguans at one end of Honduras and Salvadorans at the other, to the guerrilla insurgencies in their respective countries. The Salvadoran camps provide insights into the capacity of refugee camps to provide a humanitarian sanctuary to guerrilla forces within hostile territory.

Part Three explores the attitudes of the aid organisations working in the camps vis-à-vis the subversive functions of humanitarian aid. A spectrum of views are identified from overt political convictions to a pragmatic acceptance of the status quo based on a perceived inability to change the situation.

It is necessary to note at the outset that most of the literature on the Central American conflicts and the refugee context is tainted with ideological bias. Value-laden language and the distortion of facts permeate the literature. Marc Edelman states that even prestigious foreign policy journals were not immune to such bias and asserts that they 'contributed significantly to the Reagan Administration's efforts to shape a consensus around its Central America policies by lending what otherwise would be transparently tendentious arguments an appearance of scholarly legitimacy'.[8] The availability of information is also skewed; while the democratic process in the US permitted scrutiny of its activities in the region, facts about the involvement of Eastern bloc countries are scant.

1. HONDURAS AS A MILITARY SANCTUARY

The complexity of the refugee situation in Honduras was intrinsically linked with historical relations in the region. Honduras traditionally viewed El Salvador as its principal security threat,[9] and tensions caused by population density and migration issues led to an outbreak of conflict in 1969. Atrocities committed by Salvadoran soldiers during the conflict exacerbated public hostility towards Salvadoran nationals, and the two countries remained officially at war one decade after the combat ceased. Despite strong US encouragement to settle the border dispute, the Honduran military remained

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8 Marc Edelman, 'Soviet-Cuban Involvement in Central America: A Critique of Recent Writings', in Bruce D. Larkin (ed.), *Vital Interests: The Soviet Issue in U.S. Central American Policy* (Boulder: Lynne Rienner, 1988), pp. 141-167 at p. 142.

9 Loescher, 'Humanitarianism and Politics in Central America', p. 168.

reluctant to cooperate with the Salvadoran military, even in their common fight against communist insurgencies.

Map 2: The Nicaraguan and Salvadoran Refugee Camps and Settlements in Honduras

Source: James Morsch, *Summary of Refugee Conditions in Costa Rica, Honduras, and Mexico* (Washington: Refugee Policy Group, 1987), p.1 as modified by author

Nicaragua, by contrast, was not viewed as a security threat to Honduras, despite border clashes in the 1950s and 1960s. Nevertheless, Honduras was implicated in much of the conflict in Nicaragua, first providing a military sanctuary for the forces which overthrew the Somoza regime (1933-1979), and then ironically hosting the *contra* opposition to those same forces once they had come to power. In fact, the Sandinista National Liberation Front (*Frente Sandinista de Liberación Nacional* - FSLN) was founded in Honduras in 1961, and according to a State Department document, conducted the first armed incursions into Nicaragua in 1962.[10] But it was when the US in 1979 lost Nicaragua, its closest ally in Central America, to a regime which favoured ties to Havana and Moscow over Washington, that Honduras was transformed into a 'Pentagon Republic',[11] a military sanctuary from which to launch a covert war against Nicaragua.

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10 *"Revolution Beyond Our Borders": Sandinista Intervention in Central America* (Washington: Special Report No. 132, United States Department of State, September 1985), p. 3.

11 Richard Lapper and James Painter, *Honduras: State for Sale* (London: Latin American Bureau, 1985), p. 88.

1.1 The Nicaraguan Opposition Forces

The Nicaraguan *contras* consisted of a diverse range of combatant groups whose only shared objective seems to have been the overthrow of the Sandinista Government. The initial core of this resistance were members of Somoza's former National Guard who managed to flee the country in the wake of the overthrow of the government.[12] They were later joined by combatants who had opposed Somoza but became disaffected with the Sandinista regime; and by indigenous Indian opposition groups. Despite efforts to unite the assemblage into a coherent opposition force, the *contras* remained far from homogeneous, plagued by internal rivalry and corruption.

US support to the *contras* began towards the end of President Jimmy Carter's term in office in response to suspicions that the Sandinistas were supplying arms to the FMLN in El Salvador.[13] This support expanded markedly when Ronald Reagan assumed the US presidency in 1981; by December, $19.5 million had been allocated to assemble, train, arm and direct a commando force of 500 mostly Cuban exiles to conduct paramilitary operations against Nicaragua from Honduras.[14] According to a former *contra* spokesperson, US support ensured the existence of the *contras* and transformed the fighters from 'a collection of small, disorganized and ineffectual bands of ex-National Guardsmen... into a well-organized, well-armed, well-equipped and well-trained fighting force of approximately 4,000 men.'[15]

The US assistance enabled daily raids from Honduras by the end of 1982, which were aimed at political, economic and military targets in Nicaragua. The extent of these attacks raised questions in the media concerning the intentions of the US Government, and prompted the US Congress to pass a bill in December prohibiting government aid to

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[12] The US military helped to evacuate commanders of the Nicaraguan National Guard by disguising a DC-8 jet with Red Cross markings and landing it in Managua. See Peter Kornbluh, 'The Covert War', in Thomas W. Walker, *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 21-38 at p. 21.

[13] Marlene Dixon, 'Reagan's Central America Policy: A New Somoza for Nicaragua', in Marlene Dixon (ed.), *On Trial: Reagan's War in Nicaragua. Testimony of the Permanent Peoples' Tribunal* (London: Zed Books, 1985), pp. 111-152 at pp. 116-117.

[14] William M. LeoGrande, 'The Contras and Congress', in Thomas W. Walker (ed.), *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 202-227 at p. 203.

[15] Affidavit of Edgar Chamorro at International Court of Justice (ICJ) case Nicaragua v. United States, as cited in Holly Sklar, *Washington's War on Nicaragua* (Boston: South End Press, 1988), p. 117.

paramilitary groups for the purpose of overthrowing the Nicaraguan Government.[16] The Reagan Administration denied that this was the purpose of the *contra* support, instead justifying the attacks as necessary in order to 'turn their [the Sandinista's] attention away from subversion beyond Nicaragua's borders and reduce the availability of material to be sent to the FMLN'.[17] Although arms shipments, some of which were obtained from Cuba, are widely believed to have been shipped from Nicaragua by air, sea or overland via Honduras in preparation for the failed 'final offensive' of the FMLN in El Salvador,[18] no credible evidence of shipments after early 1981 was ever provided.[19] Nevertheless authors such as Robert Zimmerman still contend that it is unlikely that El Salvador or Honduras would have survived the insurgencies had the US not resisted the Sandinista efforts to export their revolution.[20]

Military operations from Honduras intensified in 1983 and by June the *contra* force was 8,000 strong.[21] Military offensives included the invasion of Nicaragua by some 2,000 *contras* in March 1983;[22] the bombing of Managua in September 1983; and air and sea attacks against oil storage tanks and pipelines in September and October 1983 in which the CIA played a direct role.[23] Between February and April 1984, mines were laid in or close to three Nicaraguan harbours upon the written authorisation of President Reagan, an act which the International Court of Justice (ICJ) ruled was in violation of the principles of customary international law.[24] The harbour mining ignited a debate which

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16 For a detailed discussion of the US Congressional debates over Central American policy from the late 1970s to the late 1980s, see Cynthia J. Arnson, *Crossroads: Congress, the Reagan Administration, and Central America* (New York: Pantheon Books, 1989).

17 *Revolution Beyond Our Borders'*, p. 23.

18 See Edelman, 'Soviet-Cuban Involvement in Central America', p. 152.

19 *The Washington Post* (June 13 1984) reported that after 4 years of trying, the Reagan Administration was unable to prove its case or produce evidence of arms shipments to El Salvador. David MacMichael, a former CIA analyst testified that there was no successful interdiction or verified report of arms movement since April 1981. See Dixon, 'Reagan's Central America Policy', p. 131, and the Testimony of David MacMichael, 'The Involvement of the CIA', in Paul Ramshaw and Tom Steers (eds), *Intervention on Trial: The New York War Crimes Tribunal on Central America and the Caribbean* (New York: Praeger, 1987), pp. 82-84.

20 Robert Zimmerman, *Dollars, Diplomacy and Dependency: Dilemmas of U.S. Economic Aid* (Boulder: Lynne Rienner, 1993), p. 129.

21 According to CIA figures, the force grew from 500 in 1981 to 4,000 by December 1982, 5,500 by February 1983 and 8,000 by June. See Edward Best, *US Policy and Regional Security in Central America* (Aldershot: International Institute of Strategic Studies and Gower Publishing, 1987), p. 58.

22 *New York Times*, March 23 1983 and *Washington Post*, March 24 1983, as cited in Dixon, 'Reagan's Central America Policy', p. 118.

23 *New York Times*, 18 April 1984 and *Washington Post*, 18 April 1984, as cited in Dixon, 'Reagan's Central America Policy', p. 119.

24 For a detailed account of proceedings before the ICJ, see Terry Gill, *Litigation Strategy at the International Court: A Case Study of the Nicaragua v. United States Dispute* (Dordrecht: Martinus

had been simmering in Congress since the beginning of US support to the *contras*, and culminated in a vote banning all direct and indirect aid to the guerrilla force in October 1984.

Anticipating the financial obstruction to his foreign policy goals, earlier that year President Reagan had authorised the National Security Council (NSC) to create a surrogate supply network to continue aiding the *contras*, which operated from the basement of the White House.[25] Oliver North, an aide to the NSC Chief Robert McFarlane, worked with retired senior US military officials to establish a covert network consisting of three key components. First, the governments of Saudi Arabia, Israel, South Korea, South Africa and Singapore became surrogate suppliers of weapons and funds to the guerrillas. From July 1984 to May 1986 the Saudi Government alone contributed $32 million to the *contras*.[26] Funds from allied governments were augmented by profits from the secret US arms sales to Iran that had secured Iranian assistance in the release of US hostages held in Lebanon.

Second, a covert supply system was established by former US military officials, purchasing arms in Portugal and Poland with false documents provided by the Guatemalan military, through real and fictitious companies in Canada, the US and Switzerland. Over 800 tonnes of weapons were allegedly supplied to El Salvador and Honduras in 1985 and 1986 for the covert war from these sources.[27] The third component of the covert network consisted of private American organisations whose activities ranged from fundraising and charity drives to paramilitary activities, often under the guise of 'humanitarian' support. These will be discussed in more detail below.

Through having Honduras as a compliant host for the *contras*, the Reagan Administration was also able to circumvent some of the restrictions imposed by Congress in other ways. The US and Honduran military undertook annual joint manoeuvres which involved the construction of military facilities, the allocation of

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Nijhoff Publishers, 1989), Part 2 (pp. 123-346). For a summary of the ICJ Judgement of June 1986, see *World Court Digest. Volume 1 1986-1990* (Berlin: Max-Planck Institute for International Law, Springer-Verlag, 1993), pp. 264-274.

[25] See Peter Kornbluh, 'Test case for the Reagan Doctrine: the covert Contra War', *Third World Quarterly* 9, No. 4 (1987): 1118-1128 at p. 1121.

[26] See ibid., pp. 1121-1122 for details of these transfers. Also see Sklar, *Washington's War on Nicaragua*, pp. 223-233 for details of the arms and finance pipelines.

[27] Kornbluh, 'Test case for the Reagan Doctrine: the covert Contra War', pp. 1122-1123.

communication equipment and the expansion of airstrips in Honduras. Much of these facilities and equipment were left in Honduras for use by the *contras* once the exercises terminated.[28] Furthermore, direct US aid to the *contras* continued through increasingly veiled forms, such as designating military equipment 'surplus to requirements' thereby avoiding the imposition of a dollar value and hence approval by Congress.[29]

Congress reversed its ban on funding for the *contras* in June 1985, approving $27 million of so-called 'humanitarian assistance' in the wake of a visit by Nicaraguan President Daniel Ortega to the Soviet Union and Soviet-allied states. The 'humanitarian' proviso, described by Henry Shue as 'one of the most shameful episodes of mendacity in recent American politics',[30] appeased those members of Congress opposed to resuming *contra* support by limiting aid to 'food, clothing, medicine and other humanitarian assistance'. It specifically excluded 'the provision of weapons, weapons systems, ammunition or other equipment, vehicles or material which can be used to inflict serious bodily harm or death'.[31] Debasing the term 'humanitarian' by using it to describe non-lethal, logistical support to a military force was bad enough. But even then the funds were not spent as specified by Congress.

The Nicaraguan Humanitarian Aid Office that was established to manage and disperse the $27 million became a vehicle for supplies to the *contras*.[32] In addition to paying for arms flights to the *contras*,[33] a General Accounting Office (GAO) audit conducted in 1986 found a trail of corruption, including one bribe of $450,000 which had been given to the Honduran Military Commander-in Chief.[34] Two-thirds of the money had vanished, much of it into bank accounts in the Cayman Islands,[35] and the funds were also linked to cocaine running activities of the *contras*.[36] Despite the tabling of the GAO Report in

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28 *United States-Honduran Relations: A Background Briefing Packet* (Central American Historical Institute, May 1994), p. 1 as cited in Dixon, 'Reagan's Central America Policy', p. 125.

29 Sklar, *Washington's War on Nicaragua*, p. 147.

30 Henry Shue, 'Morality, Politics, and Humanitarian Assistance', in Bruce Nichols and Gil Loescher (eds), *The Moral Nation: Humanitarianism and US Foreign Policy Today* (Notre Dame: University of Notre Dame Press, 1989), pp. 12-40 at p. 23.

31 Sklar, *Washington's War on Nicaragua*, p. 268.

32 Kornbluh, 'Test case for the Reagan Doctrine', p. 1126.

33 *New York Times*, 15 August 1987 as cited in Sklar, *Washington's War on Nicaragua*, p. 269.

34 *Investigation of US Assistance to the Nicaraguan Contras* (Washington: Hearings and Markup before the Committee on Foreign Affairs and Subcommittee on West Hemisphere Affairs, House of Representatives, April 9, May 1, May 8 and June 11, 1986), p. 64.

35 Leslie Cockburn, *Out of Control* (New York: Atlantic Monthly Press, 1987), p. 45 and p. 159.

36 ibid., pp. 159-167.

Congress and attempts by some members to halt all payments to the *contras* until the full $27 million was accounted for, fund allocations continued, culminating in the congressional decision in June 1986 to approve Reagan's request for an additional $100 million for the *contras*. Burns estimates that some $200 million had been allocated in public and private funds to the Nicaraguan opposition in the previous seven years, thus bringing the total in 1986 to $300 million.[37] By the time the *contra* camps began to be dismantled in February 1989, the guerrilla force had received an estimated $400 million.[38]

Like Pakistan during the Soviet occupation of Afghanistan, Honduran authorities greatly benefited through playing the role of sanctuary to US-backed guerrilla forces. Economic aid to Honduras doubled from $24 million to $50.7 million between 1979 and 1980[39] following the overthrow of Somoza, and by 1982 Honduras became the second highest recipient of US military aid in Latin America (receiving $31.3 million in 1982 compared with $32.5 million for the entire period 1946-81).[40] By 1984, military aid to Honduras reached $78.5 million, and economic aid $168.7 million.[41] The Honduran military also received training with the aid of US military personnel, whose numbers stationed in Honduras rose from 25 in 1980 to between 700-800 in 1983.[42] In addition, the joint military exercises undertaken between 1982 and 1984 contributed some $150 million to air and naval bases on the Atlantic Coast,[43] and involved some 4,000 US combat troops.[44] Individuals within the Honduran military also gained personally through the corruption surrounding *contra* activities.

The role of Honduras in the war against Nicaragua was, thus, of crucial importance to the Nicaraguan resistance movement, providing a secure base through which resupply, training and rearmament could be comprehensively undertaken by the US and its allies. The compliance of the Honduran authorities even permitted the US to simultaneously

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37 E. Bradford Burns, *At War in Nicaragua: The Reagan Doctrine and the Politics of Nostalgia* (New York: Harper and Row, 1987), p. 61.

38 Booth and Walker, *Understanding Central America*, p. 66.

39 US Congressional Hearing on Honduras, February 1985 as cited in Lapper and Painter, *Honduras: State for Sale*, p. 87.

40 Lapper and Painter, *Honduras: State for Sale*, p. 88. Also see Best, *US Policy and Regional Security in Central America*, pp. 59-60 for details of US support to Honduras.

41 Lapper and Painter, *Honduras: State for Sale*, p. 87.

42 ibid., p. 88.

43 *New York Times*, July 23 1983 as cited in Dixon, 'Reagan's Central America Policy', p. 125.

44 Best, *US Policy and Regional Security in Central America*, p. 60.

portray the Nicaraguans as the aggressors while displaying the full weight of American backing to the *contras* and Honduras. One of the primary roles of the *contras* was to 'provoke border attacks by Nicaraguan forces and thus serve to demonstrate Nicaragua's aggressive nature'.[45] Then, when in hot pursuit of *contras*, Sandinista forces did cross the border, as occurred in early 1986, US troops and helicopters mobilised with the Honduran military in a large and threatening show of force.[46] Under the umbrella of the US military Honduras was a well protected military sanctuary.

1.2 The Salvadoran Opposition Forces

It is difficult to assess the extent to which Honduran territory played the role of military sanctuary to Salvadoran guerrillas opposing the US-backed government. Richard Lapper and James Painter suggest that Honduras was a staging post for arms supplies to the guerrillas which were bought in Europe and landed on Honduras' Atlantic Coast,[47] but whether or not this was with the complicity of members of the Honduran armed forces is unclear. Historical animosities between the armed forces of the two countries are alleged to have split the Honduran military into two camps. US-trained soldiers perceived the left-wing guerrillas to be the greatest threat to Honduran stability, while veterans of the 'Soccer War' considered the Salvadoran army to be the greater danger.[48] Hence individuals in Honduras may have assisted the FMLN maintain a constant pressure on the Salvadoran military forces in order to reduce the potential threat posed to Honduras.

As mentioned earlier, shipments of arms may have crossed Honduras from Nicaragua in the early days of the Sandinista regime, but no evidence exists of transfers after early 1981. Edelman surmises that the Nicaraguans stopped after this time due to the failure of the FMLN offensive.[49] Scant information exists concerning support to the Salvadoran guerrillas, and what is available is mostly conjecture and speculation. This lacuna is illustrated by the number of times an article by Jiri Valenta was reprinted,[50] even though

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[45] David MacMichael's testimony before the World Court, 13 September 1985, p. 8 of transcript as cited in Kornbluh, 'The Covert War', p. 23.

[46] Eva Gold, 'Military Encirclement', in Thomas W. Walker, *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 39-56 at p. 51.

[47] Lapper and Painter, *Honduras: State for Sale*, p. 76.

[48] Loescher, 'Humanitarianism and Politics in Central America', p. 168.

[49] Edelman, 'Soviet-Cuban Involvement in Central America', p. 153.

[50] Jiri Valenta, 'The U.S.S.R., Cuba, and the Crisis in Central America', in Bruce D. Larkin (ed.), *Vital Interests: The Soviet Issue in U.S. Central American Policy* (Boulder: Lynne Rienner, 1988), pp. 321-

it did not substantiate claims that 'the Cuban orchestration of the supply of armaments from Soviet allied countries has been significant', and that 'Soviet-backed involvement of Cuba has significantly strengthened the guerrillas in El Salvador'.[51] A better idea of the source of weapons for the FMLN was provided in 1984 by the US Under-Secretary of Defense, Fred Iklé, who conceded that official estimates suggested that half the guerrillas' arms were captured from the SAF.[52]

Several factors militate against the conclusion that Honduras was used to any great extent as a military sanctuary for the Salvadoran guerrillas. First, crossing the border into Honduras did not ensure protection, either from the host country which was officially opposed to their cause, or from incursions by the SAF. Such incursions by the SAF and the notorious 'death squads' are well documented.[53] Second, the guerrillas held considerable territory within El Salvador from which they launched attacks on the capital, and they therefore had less need of an external base. The FMLN strategy consisted of establishing 'zones of control' or 'liberated zones' which, by 1984, constituted over 20 percent of the country and contained some 250,000 inhabitants.[54] Although Honduras was unlikely to have been beneficial as a purely military sanctuary for the FMLN, a humanitarian sanctuary has several advantages over the former, and the refugee camps in Honduras were able to perform some functions for the guerrilla forces.

2. HONDURAS AS A HUMANITARIAN SANCTUARY

The Salvadoran Refugee Camps

UNHCR officials maintain today that no proof ever surfaced to confirm that the Salvadoran refugee camps sheltered guerrilla fighters, or that humanitarian aid was

350. This article was reprinted from Jiri Valenta, 'The U.S.S.R., Cuba, and the Crisis in Central America', *Orbis* 25, No. 3 (Fall 1981): 715-746, which was itself an adaptation of 'Soviet and Cuban Responses to New Opportunities in Central America', in Richard Feinberg (ed.), *Central America: International Dimensions of the Crisis* (New York: Holmes and Meier Publishers, 1982), pp. 127-159.

51 Valenta, 'The U.S.S.R, Cuba and the Crisis in Central America', pp. 345-346.

52 Edelman, 'Soviet-Cuban Involvement in Central America', p. 154.

53 See, for example, Jeremy Adelman, 'The Insecurity of El Salvadorean Refugees', *Refuge: Canada's Periodical on Refugees* 3, No. 1 (October 1983), pp. 1-4 at p. 4; North and CAPA (eds), *Between War and Peace in Central America*, pp. 133-137; and Elizabeth Ferris, *The Central American Refugees* (New York: Praeger, 1987), p. 102.

54 Helen Schooley, *Conflict in Central America* (Essex: Longman, 1987), p. 185.

filtered to the FMLN in El Salvador.[55] From a visit to Colomoncagua camp in 1986, Gil Loescher also concluded that it was physically impossible to smuggle significant quantities of aid past the Honduran military that patrolled the border.[56] Honduran and US officials, by contrast, firmly asserted that such activities were occurring, and advocated relocating the camps further inland accordingly.[57] Examining each of the potential sources of support provided by the refugee camps it is evident that in comparison with refugee camps based on friendly territory, the Salvadoran camps did not perform significant functions as a source of resupply or protection to the guerilla forces. Nevertheless, norms of refugee asylum and the presence of aid organisations provided some benefits, outlined below.

2.1 Protection

The hostility of at least an important segment of the Honduran military towards the Salvadoran guerrillas and refugees limited the effectiveness of refugee camps as a protected zone. Animosity towards the refugees was evident from the outset, with the military repelling all but the first refugee influx of 2,000 Salvadorans in 1980. The first refugees settled with the border populations with whom they had retained good relations in spite of the 1969 conflict. But the Honduran army brutally prevented further influxes and in one incident in May 1980, hundreds of refugees were killed by combined Salvadoran and Honduran troops as they crossed the Sumpul River.[58] By 1981, the government's policy changed to permit refugees to enter Honduras, but the newly formed National Refugee Commission was effectively placed under the jurisdiction of the military through the appointment of a retired army colonel, Abraham Turcios.[59]

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55 Personal interviews with UNHCR officials, Geneva, March 1998.

56 Loescher, 'Humanitarianism and Politics in Central America', p. 170.

57 Different accounts in the literature of the Honduran attitude towards camp relocation suggests that the military was divided over the issue. Stanley, for example, claims that the Honduran military 'consistently opposed' US proposals to move the refugee camps further from the border due to fears of political contagion of radical political ideology among Honduran peasants. Weiss Fagen and Aguayo, however, cite Honduran support for such a move. See William Stanley, 'Blessing or Menace? The Security Implications of Central American Migration', in Myron Weiner (ed.), *International Migration and Security* (Boulder: Westview Press, 1993), pp. 229-260, at p. 245 and Patricia Weiss Fagen and Sergio Aguayo, *Fleeing the Maelstrom: Central American Refugees* (Baltimore: Occasional Paper No. 10, Central American and Caribbean Program, School of Advanced International Studies, The Johns Hopkins University, 1986), p. 64.

58 North and CAPA (eds), *Between War and Peace in Central America*, p. 133.

59 Mandy Macdonald, 'Salvadorean Refugees in Honduras', Appendix 3 in Lapper and Painter, *Honduras: State for Sale*, p. 130.

The proximity of the refugee camps to the border – in some cases only a few kilometres away – and suspicions of guerrilla infiltrations of the area, provoked heavy military surveillance of the border. Frequent searches of the camps were undertaken and the military stationed around Colomoncagua camp were allegedly ordered to shoot and kill anyone leaving the camp after 5 p.m.[60] The refugees had no freedom of movement outside the camps and no possibility of working. But in spite of the constant patrols and military surveillance, the geographical terrain and unfenced perimeter of the camps made movements in and out impossible to fully control.

Numerous incidences of violence were perpetrated against refugees and aid personnel, including the killing of two members of the Catholic aid organisation Caritas, by the Salvadoran military in La Virtud reception centre in 1981; the discovery of the bodies of 14 Salvadorans 25 kilometres from Mesa Grande camp in 1984; the killing of at least 20 refugees by Honduran troops between January and July 1984; and the shooting of a Spanish doctor and two Salvadorans in June 1984.[61] The most publicised violent incident took place in August 1985 when a Honduran military raid on Colomoncagua camp resulted in the death of two refugees, the injury of 13 others, and the arrest of 10 more. Such incidents illustrate that the camps did not provide a 'safe haven' in which combatants were immune from attack. But the outrage expressed by international organisations following military incursions into the camps limited the impunity of the military, and in that sense did provide some form of protective function to the refugee camp inhabitants. Indeed, some international personnel were sent to live in the camps by their organisations specifically to provide protection by confronting death squad members who entered the camps to abduct and kill camp occupants.[62]

The most significant indication that the camps did play a role for the Salvadoran insurgents was provided by the reaction of the refugees to attempts to relocate the camps further inland and away from the insecurity of the border. The United Nations High Commissioner for Refugees (UNHCR) was strongly in favour of such a move since in addition to the insecurity generated by military suspicions of guerrilla infiltrations in the

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60 James Morsch, *Summary of Refugee Conditions in Costa Rica, Honduras, and Mexico* (Washington: Refugee Policy Group, 1987), p. 9.

61 Schooley, *Conflict in Central America*, p. 210.

62 Testimony of Father Henry Atkins, Jr, 'The Policy of Displacement and the Flight of Refugees', in Paul Ramshaw and Tom Steers (eds), *Intervention on Trial: The New York War Crimes Tribunal on Central America and the Caribbean* (New York: Praeger, 1987), pp. 24-25.

camps, the proximity of some camps to the border (La Virtud camp in particular) subjected them to 'collateral damage' from heavy fighting in El Salvador. But in spite of the danger to the camp inhabitants, the forced closure of La Virtud camp in early 1982 and the relocation of the refugees to Mesa Grande camp, the furthest from the border, provoked vehement protest from the refugees, aid agencies and human rights organisations working in the area. Their stated opposition was twofold. First, they claimed that the motive for such a move was to militarise the border and prevent the influx of more Salvadorans, which violated the refugees' rights to asylum. Second, they claimed that the proposed relocation sites were unacceptable to the refugees and aid workers for reasons of security and refugee well-being. Mesa Grande camp, to which further transfers were proposed, was overcrowded, and alternative sites in the interior departments of Olancho and Yoro were allegedly populated by Hondurans who had persecuted Salvadoran migrants following the 1969 war. Agencies insisted that there was a high degree of hostility to Salvadorans in the interior, and cited the return of 4,000 refugees from La Virtud to El Salvador to avoid the move to Mesa Grande as proof of refugee fears of the interior.[63]

This sudden repatriation, however, can just as readily support the claim that the camps housed Salvadoran guerrillas and their supporters since any relocation further from the border would have reduced the utility of the camps for the insurgents. The camps provided protection to the guerrillas if only in deterring the further militarisation of the border: a US State Department 'Non-policy Paper' stated that the closure of Colomoncagua camp would make the border area more secure and render it 'easier for the Honduran military to make sweeps of the area and to disrupt any regional insurgency activity there'.[64] To counter claims that the refugees would receive less harassment away from the border, aid agencies argued that at Mesa Grande camps, accusations of guerrilla infiltration by the Honduran military abounded despite the camp's distance from the border.[65] But despite the opposition, UNHCR remained firm in its support for the relocation of the camps, stressing that as long as the camps remained where they

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[63] Weiss Fagen and Aguayo, *Fleeing the Maelstrom*, p. 64.

[64] US State Department Non-Policy Paper, February 1985 as cited in Macdonald, 'Salvadorean Refugees in Honduras', p. 130.

[65] The remarks of the Oxfam representative, as noted in Jennifer Waugh and Flora Liebich, 'Debriefing for NGOs on Situation in Honduras, Friday 13 September 1985, UNHCR' (n.p: UNHCR 'Note for the File' Mimeo, 17 September 1985), p. 4.

were, the Honduran authorities 'have ample justification in their view to act as they had [in the August 1985 raid on Colomoncagua camp]'.[66] Moreover, a senior UNHCR official asserted that 'UNHCR could do little to prevent the Honduran authorities from exercising their legitimate right to carry out policing operations in the camps, especially when they maintained that national security was at stake'.[67] Nevertheless, the support of international agencies and the readiness of the refugees to resist relocation at all cost, prevented any further camp relocations. UNHCR recognised that any new attempts to move the refugee camps forcibly would result in loss of life since the camps were sufficiently well organised to ensure the solidarity of the entire refugee population.

The vehement aversion to camp relocation by the refugees despite incursions by Salvadoran and Honduran forces, together with the enduring accusations that the camps sheltered guerrilla fighters, suggests that the camps did serve a dual purpose. Through mixing with the refugee population, many of whom were family members,[68] guerrillas were impossible to distinguish from the civilians. Despite the heavy patrols, the camps were not impenetrable and the presence of international aid workers inhibited the ability of the military to pursue counter-insurgency operations free from scrutiny. Hence the camps served to protect the FMLN forces to a certain extent. Once penetrated, the camps became a source of provisions to the rebel forces in El Salvador.

2.2 War Economy

The raid on Colomoncagua camp in August 1985 was allegedly undertaken after a deserter from the FMLN testified that substantial amounts of food and medicine routinely left the camp for El Salvador. He also alleged that the camp was a rest and recreation facility for the guerrillas.[69] The plausibility of a testimony reported by the Honduran military is questionable, but the allegation is supported by the experiences of *Médecins sans Frontiéres* (MSF), which worked in the camps from 1980 to 1988. Dr Bernard Pécoul, who was medical coordinator for MSF in Honduras, confirms that the

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66 Waugh and Liebich, 'Debriefing for NGOs on Situation in Honduras', p. 4.

67 Robert Muller, Head of the Regional Bureau for the Americas and Europe, UNHCR, as cited in Waugh and Liebich, 'Debriefing for NGOs on Situation in Honduras', p. 2.

68 Gilles Bataillon, 'L'action humanitaire des ONG francaises en Amérique centrale: entre bureaucratie humanitariste et nouvelle vision de l'humanité', *Cultures et Conflits* 11 (Autumn 1993): 65-76 at p. 69.

69 Waugh and Liebich, 'Debriefing for NGOs on Situation in Honduras', p. 2.

camps were a source of resupply for the guerrillas, often with the assistance of the aid organisations. He claims that most organisations were 'infiltrated' to varying degrees by expatriate volunteers who were highly politicised and considered the insurgency to be a just war against the brutal Salvadoran government and military. A Spanish doctor who arrived in Honduras for MSF, for example, disappeared with medical supplies across the border into El Salvador to assist the FMLN. She reappeared six months later but was killed by the Honduran military before reaching safety.[70]

The strong ideological convictions of many aid agency employees influenced the relief system and levels of aid in the camps, to which the experience of MSF in the health sector attests. MSF assumed responsibility from Caritas for the medical coordination of all the camps in 1986, and tried to standardise the quantity and type of medical assistance in accordance with public health guidelines used in refugee camps throughout the world. MSF was concerned by the elevated drug consumption rate and the levels of health care and caloric consumption which were higher in the camps than for the surrounding population. Data were produced to substantiate these concerns, including a census, not survey, of the nutrition level of the children in the camps, from which not one child was found to be malnourished.[71] MSF recommended that the feeding centre, which was operated by Concern, be closed, but Concern refused, arguing that the need still existed. MSF met intense opposition from the refugee committees in the camps who, far from accepting reduced levels of assistance, demanded that larger quantities and a wider range of drugs be made available to the Salvadoran heath staff, and sought an increase in the training of local health workers. Cognisant of the disappearance of trained personnel into the guerrilla forces, and the superior health status in the camps, MSF refused to meet these demands.

Hence although difficult to quantify, evidence suggests that food, medical supplies, and health staff trained in the refugee camps routinely left for the Salvadoran guerrillas. Humanitarian assistance was provided by many non-government organisations (NGOs) in excess of requirements to enable a portion to be skimmed off and sent across the border. As the total Salvadoran refugee population in Honduras was only 20,000,

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[70] Bernard Pécoul, former MSF Medical Coordinator in Honduras, personal interview, 25 April, 1998

[71] ibid. Ordinarily it is deemed sufficient to conduct a survey to attain a representative sample of the nutritional status of the population, but in this case all children were measured to avoid any doubt concerning the results.

however, the overall quantities of aid leaving the camps was limited in its potential impact on the war economy.

2.3 Population Control and Legitimacy

The most important contributions of the Salvadoran refugee camps to the guerrilla insurgency were the mechanisms the camps provided to optimise the benefits derived from the civilian population. As alluded to above, sectoral committees of refugee leaders were formed in each of the camps, and their control over the aid distribution channels enabled them to exert considerable influence over the refugee population. Committee members were approved by the guerrilla leadership and assisted in conscription for the guerrilla forces,[72] allegedly coercing women to give up their children once they reached the age of ten, through threats to reduce their food rations, harassment and punishment.[73] All correspondence in the camps was controlled by the committees, and refugees were prevented from repatriating since their presence was imperative to ensure the continuation of humanitarian assistance. While some refugees requested help from the aid agencies to escape the leaders, Bataillon suggests that the majority recognised the authority of the guerrillas as legitimate, or at least tolerated it as the least bad to expect.[74] UNHCR, unable to assure the protection of the refugees in such an environment, resorted to extreme measures: 'we have had to conduct departures at night in the hope of escaping the vigilance of the committees. We have ourselves, as a consequence, been physically threatened at the committees' orders'.[75]

The refugee committees were also accused of exploiting the suffering of the refugees for propaganda purposes. In an article in the French newspaper *La Croix*, Rony Brauman cited two occasions in which refugees injured by the Honduran military had their dressings and intravenous drip removed by members of the committees. He argued that 'for their propaganda, a dead refugee is more useful than an injured refugee', and accused the committees of having hidden dehydrated children to exacerbate the gravity

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[72] Bataillon, 'L'action humanitaire des ONG francaises en Amérique centrale', p. 69.

[73] Bertrand de la Grange, 'L'organisation Médecins sans frontières renounce à assister les réfugiés salvadoriens au Honduras', *Le Monde*, 16 November 1988, p. 8.

[74] Bataillon, 'L'action humanitaire des ONG francaises', pp. 69-70.

[75] De la Grange, 'L'organisation Médecins sans frontières', p. 8.

of their affliction.[76] Brauman considered the committees had a 'totalitarian hold' over the camps reminiscent of the Khmer Rouge, and instrumentalised humanitarian aid to that end.[77] His views were not broadly supported, however, due to the political allegiance of aid workers who tolerated or even supported this system; disagreement that the committees posed a problem; or due to the reluctance of aid agencies to challenge the status quo.[78] When questioned about the diversion of aid supplies to the guerrilla forces in El Salvador, for example, Patrick Ahern, Country Director of Catholic Relief Service (CRS) in Honduras said:

> It's the price of our success. The refugees become actors in their own development. By respecting their form of organisation, we are accused of serving the forces supposedly hidden behind the committees. It's very serious for our security and that of the refugees.[79]

The risk of opposing the system was far greater than accepting it: MSF's refusal to meet the demands of the committees, and Brauman's sharp criticisms of the transformation of the camps 'into small gulags'[80] provoked the committees to organised hostile protests against MSF's 'insensitivity'. In 1988 the committees blocked access of MSF personnel to the refugee camps and demanded their replacement by an organisation 'more sympathetic'. MSF decided to withdraw from the camps in November 1988.[81]

To further complicate the possibility of objective discussions about the camp structure, the dispute immediately assumed the discourse of the dominant Cold War polemic, and accusations that MSF were mercenaries at the service of American imperialism ensued. Once UNHCR publicly backed the position of MSF, they too were accused of a US agenda, this time to force the refugees to return to El Salvador.[82] Only four years earlier, the Heritage Foundation published a report accusing UNHCR of sympathising with the FMLN guerrillas, and recommended that US funding be withheld as a consequence.[83]

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[76] Alain Hertoghe, 'Des limites supposées de l'aide humanitaire', *La Croix l'Evenement*, 25-26 December 1988, p. 6.

[77] Rony Brauman, 'Les camps de réfugiés salvadoriens au Honduras', Letter to the editor, *Le Monde*, 26 November, 1988, p. 6.

[78] Bataillon, 'L'action humanitaire des ONG francaises en Amérique centrale', p. 70.

[79] Hertoghe, 'Des limites supposées de l'aide humanitaire', p. 6.

[80] As cited in de la Grange, 'L'organisation Médecins sans frontières', p. 8

[81] A chronological account of events in 1988 can be found in Magdi Ibrahim, 'Rapport de Mission: Honduras' (Paris: Médecins sans Frontières mimeo, December 1988).

[82] De la Grange, 'L'organisation Médecins sans frontières', p. 8.

[83] Juliana Geran Pilon, *Are the United Nations Camps Cheating Refugees in Honduras?* (Washington: The Heritage Backgrounder, July 23, 1984).

Such accusations of political allegiance abounded in Central America, but ironically MSF and UNHCR were two of only four organisations,[84] which worked with both the Salvadoran and Nicaraguan refugees. For UNHCR, such action was required under its mandate, but for MSF, working with both sides was an attempt to assert neutrality and impartiality to humanitarian action in the region. Hence when continued access to the Salvadoran camps was denied, MSF decided also to terminate its work with the Nicaraguan refugees in the east of the country, phasing out through transferring activities to other aid organisations.

The Nicaraguan Refugee Camps

As a major sponsor and base of *contra* rebels, Honduras was naturally a welcoming host to Nicaraguan refugees, whose very presence bolstered convictions that the Sandinistas were an unpopular regime. In contrast to the treatment of Salvadoran and Guatemalan refugees as security threats in Honduras, the two groups of Nicaraguan refugees, the Ladinos and the indigenous Miskito, Rama and Suma Indians,[85] were accorded freedom of movement and employment opportunities.[86] The Miskito population was even permitted to settle permanently, if desired, in the sparsely populated region of Gracias a Dios.

The creation of refugee flows from Nicaragua generally followed the pattern described by Rufin:[87] guerrilla attacks provoked government reprisals against the local population, and provoked the flight of civilians across the border. In the case of the Miskitos, this process was superimposed on a simmering issue of minority rights which identified the local population with the cause of the rebel forces, and gave them added legitimacy in the eyes of international observers. Conflict between the Sandinistas and the Miskitos began in the early days of the Sandinista regime when a campaign for Atlantic Coast autonomy provoked clashes, and several indigenous leaders were arrested. Upon release these leaders exiled themselves in Honduras, and joining the growing *contra* forces,

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[84] The other two organisations were CRS and Caritas. See Fagan and Aguayo, *Fleeing the Maelstrom*, pp. 58-62 for the locations and programs of the NGOs in the camps in Honduras.

[85] Since the Indian refugees were predominantly from the Miskito ethnic group, the literature tends to group all indigenous groups under this name. To avoid confusion I shall do the same.

[86] See Comptroller General, *Report to the Congress of the United States. Central American Refugees: Regional Conditions and Prospects and Potential Impact on the United States* (Washington: GAO/NSIAD-84-106, US General Accounting Office, July 20 1984), pp. 8-9.

[87] Jean-Christophe Rufin, *Le Piège Humanitaire suivi de Humanitaire et politique depuis la chute du Mur*, revised and updated edition (Paris: Jean-Claude Lattès, 1992), pp. 124-126.

conducted incursions into Nicaragua. To deny the guerrillas a sympathetic population, the Sandinistas forcibly moved 8,500 Miskito and Suma Indians eighty kilometres to the south, and destroyed their villages and crops. As a consequence 10,000 refugees crossed into Honduras in 1981 and by the end of 1983, 13,500 Miskitos were living in six settlements along the Mocorón, Patuca and Warunta Rivers.[88] This figure had grown to an estimated 25,000 by 1987.[89] Although some of the Miskitos joined the *contras*, the vast majority were *bona fide* refugees fleeing repression by the Sandinista regime.

The majority of the Nicaraguan Ladino population in Honduras, by contrast, fled Nicaragua to avoid conscription into the Sandinista armed forces,[90] and constituted the bulk of the *contra* forces. Only half of those estimated to have resided in Honduras lived in the UNHCR-assisted refugee camps, the rest choosing to stay along the border. By 1987 the total population of Ladinos in Honduras was estimated by UNHCR to be 18,000.[91]

Equipped with a secure base in Honduras, the *contras* did not require the presence of refugee camps to provide cover and international protection for the combatants. The refugees were given the choice of whether to remain at the border, living in ad hoc settlements initially without any humanitarian aid, or be transported inland to a UNHCR-assisted refugee camp. The refugees were only accorded refugee status and hence legal protection if they moved to one of the UNHCR camps;[92] nevertheless many chose to reside along the border. The presence of the refugees did, however, contribute in other ways to the *contra* insurgency, primarily through the legitimacy they bestowed upon the *contra* cause and the propaganda potential this induced, and through their ability to attract 'humanitarian' aid to the border regions. The UNHCR-assisted camps, through concentrating populations together and offering humanitarian support, also gained the attention of the guerrillas, although to a lesser extent than seen elsewhere.

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88 Fagen and Aguayo, *Fleeing the Maelstrom*, p. 53.

89 UNHCR *Central American Facts Sheet* as cited in Morsch, *Summary of Refugee Conditions*, p. 1.

90 Morsch, *Summary of Refugee Conditions*, p. 14.

91 UNHCR *Central American Facts Sheet* as in Morsch, *Summary of Refugee Conditions*, p. 1.

92 Fagen and Aguayo, *Fleeing the Maelstrom*, p. 58.

2.4 *Population Control and Legitimacy*

The decision of UNHCR to locate the refugee camps away from the border reduced the ability of the *contra* forces to control the refugee populations. UNHCR deployed protection officers to the camps and although they were unable to prevent refugees from leaving the camps to fight or to hide, they did try to prevent forced recruitment. UNHCR personnel also tried to isolate the aid distribution system from the political agendas of the refugee leadership.[93] Nevertheless, recruitment drives were undertaken by both the Ladino and Miskito *contra* groups, and local coordinators were appointed by the *contras* to take charge of the relief supplies provided by the international agencies.[94]

As an important symbol of Sandinista oppression, the refugees became pawns in the propaganda campaign waged by the Reagan Administration to generate support for the *contra* war with the American public and in Congress. Although Reagan attained high opinion poll ratings for his overall performance as President, his Nicaragua policy did not enjoy widespread support, frequently losing in the polls by a two-to-one margin.[95] Hence Reagan went to great lengths to convince the American public and Congress that the US engagement was vital to protect US interests from the communist scourge. The Sandinista regime was thoroughly demonised with the assistance of a biased press,[96] and the refugees were the visible embodiment of the Administration's rhetoric. The litany of alleged Sandinista crimes included genocide against the Miskito Indians; anti-Semitic pogroms that drove the Jewish community into exile; massive and widespread human rights abuses; drug smuggling to poison the youth of America; and host of international terrorism.[97] By emphasising the oppressiveness and communist leanings of the Sandinistas, and continually assaulting the regime's character, the Administration

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93 ibid., p. 7, and Morsch, *Summary of Refugee Conditions*, p. 14.

94 Ferris, *The Central American Refugees*, p. 107.

95 Eldon Kenworthy, 'Selling the Policy', in Thomas W. Walker (ed.), *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 159-181.

96 In an analysis of media coverage of Nicaragua and the *contras*, Jack Spence shows that 'despite the obvious relevance of contrary views and a self-proclaimed media norm of balance, the president's charges went almost wholly unexamined'. See Jack Spence, 'The U.S. Media: Covering (Over) Nicaragua', in Thomas W. Walker (ed.), *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 182-210 at p. 183. For a broader analysis of this bias see Noam Chomsky, 'U.S. Polity and Society: The Lessons of Nicaragua', in Thomas W. Walker (ed.), *Reagan versus the Sandinistas: The Undeclared War on Nicaragua* (Boulder: Westview Press, 1987), pp. 285-310.

97 LeoGrande, 'The Contras and Congress', p. 222.

managed to shift attention away from the debate over the merits of Reagan's policy, and the abuses and corruption committed by the *contras*.

The predicament of the refugees was exploited to influence the Congressional debate on aid to the *contras*. Americas Watch documented one such instance in 1986 which was timed to coincide with a Congressional vote.[98] The US Embassy in Honduras invited 60 journalists to visit the Mosquita region, and allegedly staged a new refugee influx to coincide with the visit. Americas Watch claims that the refugee flow was not the result of repressive activities of the Sandinistas as alleged by US authorities, but the result of a deliberate campaign by one of the *contra* organisations to spread fear in parts of Nicaragua to encourage the exodus. Reporters from the *Boston Globe* and the *Philadelphia Inquirer* concurred with this analysis, saying that the refugees were obviously coached in their testimonies and were rarely left unaccompanied when speaking to journalists.[99] Americas Watch concluded that:

> Coming at a moment when the U.S. Congress is voting on aid to the contras, the flight of thousands of Indians across the border gives a very bad impression of Sandinista-Miskito relations, which were supposed to be on the mend... The picture that has already been painted by the Reagan Administration is that serious new abuses provoked this massive exodus, although Americas Watch has not learned of such abuses. The exodus gives the Congress more reasons to vote for aid to the contras, especially 'humanitarian' aid which could be thought to benefit these refugees.[100]

The symbolic importance of the refugee population made their repatriation undesirable, and coercive measures were employed by the *contras* to ensure that the refugees remained in Honduras. In one such incident in December 1984, a group of 35 refugees who had registered for repatriation with UNHCR were confronted by 300 fellow refugees armed with machetes.[101] The US was also implicated in this process: members of the International Council of Voluntary Agencies (ICVA) visiting Honduras witnessed three of the most prominent members of the *contra* leadership conducting rounds of the refugee camps in a military helicopter accompanied by CIA and US State Department

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98 *With the Miskitos in Honduras* (New York: Americas Watch, 1986).

99 See Steve Stecklow, 'Fearing Sandinistas, Indians Flee to Honduras' and 'A Media Event - With no audience', *Philadelphia Inquirer*, 6 April 1986; and Pamela Constable, 'Nicaraguan Indians Move to Honduras', 7 April 1986 as cited in *With the Miskitos in Honduras*, p. 3.

100 *With the Miskitos in Honduras*, p. 14.

101 Fagan and Aguayo, *Fleeing the Maelstrom*, p. 85.

personnel to dissuade the refugees from repatriating.[102] Spreading rumours of an imminent new offensive against the Sandinistas was another method employed to encourage the refugees to remain in Honduras.

Thus in the Nicaraguan refugee camps it was not the presence of aid organisations or the assistance that they provided that lent legitimacy to the guerrilla cause, but the presence of the refugees, manipulated to exaggerate images of suffering. Once successfully enticed to the region, however, the aid served the guerrillas in other ways.

2.5 War Economy

Since UNHCR would only provide assistance to refugees in the camps located away from the border, thus catering to *bona fide* refugees who warranted protection and not to combatant forces, the Nicaraguans living along the border had no initial access to humanitarian relief. Some 3,000 Nicaraguans lived among the *contra* groups.[103] But in 1984, Congress authorised the US Agency for International Development (USAID) to spend $7.5 million for Miskito and other Indians living outside the UNHCR camps, and, seriously undermining the UNHCR program, actually stipulated that the funds be administered 'independently from United Nations relief agencies'.[104] A large proportion of the funds was allocated to infrastructural improvements to roads and bridges which inevitably served more than just the relief community along the border. Budget allocations were also made to health care in the border area, and seeds and tools were allegedly distributed through a right-wing American private aid organisation, Friends of the Americas (FOA).[105]

The sudden infusion of aid to the border region and the promise of jobs through the USAID projects came at a time when UNHCR was reducing humanitarian assistance in the camps to encourage refugee self-sufficiency. Some 2,000-3,000 refugees abandoned crops and houses to move back to the border region. The policy was clearly intended to

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[102] Hansruedi Peplinsky and Martin Diskin, *Report of the ICVA Mosquita Mission* (Geneva: International Council of Voluntary Agencies (ICVA) mission report, 1987), pp. 9-10.

[103] Fagen and Aguayo, *Fleeing the Maelstrom*, p. 86.

[104] House Appropriations Report, Second Supplemental Appropriations Bill, 1984, pp. 88-89 as cited in Larry Minear, *Helping People in an Age of Conflict: Towards a New Professionalism in U.S. Voluntary Humanitarian Assistance.* (New York: American Council for Voluntary International Action (InterAction), 1988), fn 8, p. 77.

[105] *The Inter-Hemispheric Education Resource Centre Bulletin*, Vol. 3, No. 1 (1986): 2.

support the *contra* effort since neither the promised jobs on road works nor the assistance offered by FOA were sustainable: 'nobody pretends that this organization [FOA] is interested in, or capable of, administering a long-term refugee settlement project... The presence of a large civilian population helps to attract assistance which, in reality, is intended for the contras'.[106] In a similar vein, a report by CRS concluded: 'the border relief programs are not designed to meet the long or short-term interests of the Miskitos, but rather are designed for political purposes as a conduit of aid to the contras'.[107]

But while many of the established aid organisations opposed such a misuse of aid for political objectives, other organisations were more than willing supporters of such policies. As mentioned above, the 1984 US congressional ban on aid to the *contras* prompted the establishment of private aid networks in the US to channel private assistance to the *contras*. Some of these groups were openly military, supplying arms, equipment and financial support to the *contra* groups in Honduras. Others, however, established a 'humanitarian' front to avoid openly violating the Neutrality Act,[108] or to benefit from legislation loopholes and public support. The United States Council for World Freedom (USCWF), which is a paramilitary group associated with the World Anti-Communist League, for example, benefited from tax-exempt status as an 'educational' organisation to recruit people with skills in intelligence and psychological warfare to train the *contras* and the Salvadoran police and military.[109] Refugee Relief International adopted a 'humanitarian' persona but advertised for donations in *Soldier of Fortune*, a magazine which also advertises mercenary services. Other groups which allegedly supported the *contras* included the relief branch of the Christian Broadcasting Network (Operation Blessing), World Medical Relief, FOA, the Knights of Malta, Americares, and the Reverend Sun Myung Moon's Unification Church, through their affiliates, the Confederation of Associations for the Unity of the Societies of America,

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106 Fagen and Aguayo, *Fleeing the Maelstrom*, pp. 87-88.

107 *Nicaraguan Miskito and Sumo Indian Refugees in Honduras: A Report* (CRS, March 14 1985) as cited in *The Inter-Hemispheric Education Resource Centre Bulletin*, p. 4.

108 Kornbluh, 'The Covert War', p. 32.

109 Sklar, *Washington's War on Nicaragua*, p. 235.

and the Nicaraguan Freedom Fund.[110] A 1985 report of the Congressional Arms Control and Foreign Policy Caucus stated that

> close to 20 privately incorporated US groups have reportedly sent (or plan soon to send) aid, supplies or cash contributions to Nicaraguan refugees in Honduras and to the contras themselves... [The] driving forces behind the major groups are a small group of about half a dozen men, most of whom have military or paramilitary backgrounds or mercenary experience... While many of the groups work closely together, they have different stated purposes... Most groups call their aid 'humanitarian', but either privately or publicly acknowledge that some of it (e.g. medical supplies and food) ends up at contra camps. These groups also have conceded that their 'humanitarian' aid to refugees (which include families of the contras) may indirectly aid the contras by freeing up the contra accounts to purchase weapons and pay combatants.[111]

Some of the aid, such as the 'Shoeboxes for Liberty' shipped to Honduras by FOA, had more to do with propaganda than fuelling the war effort, as did the aerobic instructor sent by one group to 'cheer the wretched in their squalid camps'.[112] Nevertheless, Leslie Cockburn estimates that these groups shipped over $5 million in 'humanitarian' aid to the *contras* between April 1984 and March 1985 alone,[113] a significant contribution to the economy of war, if only through diversifying sources of support to the *contras* and permitting *contra* finances to concentrate on purely military expenses.

Why such blatant manipulation of a vulnerable population for propaganda and material gain in a situation of undeclared war did not generate more condemnation from the established humanitarian community remains to be addressed.

3. THE RELIEF RESPONSE: THE NEUTRALITY VOID

The limited humanitarian space in Central America in which humanitarian organisations could operate was caused largely by the US labelling of Salvadoran refugees as 'guerrillas' and the Nicaraguan refugees as 'freedom fighters'. But the vast majority of aid organisations were also driven by political and ideological impulses which, through

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110 For a description of these groups see Sklar, *Washington's War on Nicaragua*, pp. 233-242.

111 *Who Are the Contras? An Analysis of the Makeup of the Military Leadership of the Rebel Forces and of the Nature of the Private American Groups Providing them Financial and Material Support* (Washington: Congressional Arms Control and Foreign Policy Caucus, April 18 1985), pp. 13-14 as cited in Sklar, *Washington's War on Nicaragua*, p. 237.

112 Cockburn, *Out of Control*, p. 16.

113 ibid.

compromising the humanitarian principles of impartiality and neutrality, reduced the space further.

The perspectives and motivations of the various aid organisations followed three general tendencies: political according to Cold War doctrine; ideological following notions of a 'just war'; and pragmatic focus on practical concerns. Deviations from the three tendencies, of course, occurred, particularly within NGOs which, as a collection of private individuals professing a self-imposed mandate, were prone to divergent opinions and motivations among their members. According to Gilles Bataillon, the perspectives of some aid organisations shifted in Central America during this period from what could be termed a politically-based to a rights-based approach to humanitarian assistance.

3.1 Politically-oriented

Most of the European NGOs were driven by a strong political motivation, almost exclusively to the left. In the early 1980s the Salvadoran guerrillas were a particularly strong symbol for the left in Europe, and financial support and volunteers were readily available to NGOs which were seen to be assisting the victims of right-wing oppression. As mentioned earlier, many NGOs were 'infiltrated' by some hard-line volunteers, some of whom used the organisations for the plane ticket and Honduran visa, but disappeared upon arrival to join the FMLN. In spite of the general political leaning of the organisations, however, they were generally established NGOs which, at least at the organisational level, tried to adhere to humanitarian standards and modes of operation, unlike the private groups operating outside the parameters of the aid operation on the other side of the country.

It is surprising that the use of the term 'humanitarian' to describe the conservative US groups which emerged in response to the postponement of government aid to the *contras* in 1984 did not cause more consternation among the established NGO community in the US. The open espousal of partisan support for the *contras* by these groups, and their association with paramilitary organisations while operating under a 'humanitarian' banner, compromised the reputations of the genuine humanitarian agencies. Furthermore, the new groups potentially absorbed a share of private and public funds. But opinion was divided over the provision of humanitarian aid to the *contras*

among mainstream NGOs. From a meeting in the US organised in 1985 to review the 'first principles' of humanitarian assistance, Minear reported that:

> while PVO [private voluntary organisation] alarm over the politicization of aid in Central America helped provide a place on the crowded InterAction agenda for the issue of humanitarian assistance, the process did not, as some PVOs had feared and other PVOs had hoped, line up the PVO community in opposition to Contra aid.[114]

Several US aid organisations did, however, unite in opposition to the US Government's misuse of the term 'humanitarian' to describe aid to a military force. Eleven NGOs issued a joint communique to this effect;[115] senior NGO executives wrote letters to Congress; and a full-page advertisement was published in the *New York Times* by another coalition of NGOs, stating that there was 'nothing humanitarian about providing direct aid to the combatants in this tragic conflict'.[116] Oxfam America followed this with further lobbying, unfazed by the Government's consequent refusal to issue the agency an export license for aid to Nicaragua, while granting such a license to the USCWF to export a helicopter to the region. However, rather than focusing on the violation of the notion of humanitarian action, the lobbying took the inverse political stand, advocating an end to aid for the *contras* and renewed aid to the Sandinistas. As Bruce Nichols notes:

> in pursuing the fight against the government's abandonment of first principles in humanitarian aid, the private agencies had themselves been forced into equally partisan stances which also went far beyond traditional humanitarian doctrine.[117]

The aid organisations engaged in the public debate to counter views like that of a *Washington Post* editorial: 'anyone who examines the historical record of communism must conclude that any aid directed at overthrowing communism is humanitarian aid'.[118] But Nichols says that they were unable to generate serious public debate over the misuse

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[114] Minear, *Helping People in an Age of Conflict*, p. 11.

[115] 'A Statement on the Nature of Humanitarian Assistance by US Private and Voluntary Organisations' (Washington: Church World Service, 1985) as cited in Sklar, *Washington's War on Nicaragua*, pp. 268-269.

[116] 'U.S. Aid to the Contras: Humanitarian? Logistical? Defensive?' advertisement in the *New York Times* 7 April, 1986, p. 9 as cited in Bruce Nichols, 'Rubberband Humanitarianism', *Ethics and International Affairs* 1 (1987), pp. 191-210 at p. 204.

[117] Nichols, 'Rubberband Humanitarianism', p. 205.

[118] 'Editorial', *Washington Post*, 10 May 1985 as cited in Minear, *Helping People*, p. 36.

of the term.[119] Had they united in advocating a respect for humanitarian principles rather than engaging in the polemics of the war, they might have been more successful.

3.2 Rights-oriented

The second type of aid organisations working in Honduras were those for whom motivation stemmed from an ideological belief in a 'just war' against tyranny, regardless of the political doctrine espoused by the victims or the oppressors. Particularly for those working in the Salvadoran camps, the brutality of the Salvadoran armed forces and death squads in the deliberate bombing of civilians; the perpetration of human rights violations; and the use of napalm, white phosphorous and chemical weapons,[120] generated deep sympathy for the victims and support for the guerrilla forces. Influential segments of the Catholic Church were adherents to this perspective, advocating the right to insurrection within the Christian theological tradition. The message of the murdered Salvadoran Archbishop Oscar Arnulfo Romero y Galdames was highly influential:

> When a dictator seriously violates human rights and attacks the common good of the nation, when it becomes unbearable and closes all channels to dialogue, of understanding, of rationality - when this happens, the church speaks of the legitimate right to insurrectional violence.[121]

Thus through a conviction to assist the poor and promote social change, a blend of radical Christian, Marxist and nationalist currents permeated the opposition to the Salvadoran government. More conservative Christian groups, however, opposed any concession to communism, and tensions among the religious NGOs were clearly apparent in the camps. World Vision was accused by other NGOs of collaborating with the Honduran and Salvadoran forces against the refugees, espousing anti-communist beliefs, and pressuring the refugees to adopt fundamentalist religious beliefs as a precondition for receiving food and medicine.[122]

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[119] Nichols, 'Rubberband Humanitarianism', p. 209.

[120] See the Testimony of Richard Alan White, 'The Use of Napalm, White Phosphorous and other Anti-Personnel Weapons: Reprisals Against the Civilian Population', in Paul Ramshaw and Tom Steers (eds), *Intervention on Trial: The New York War Crimes Tribunal on Central America and the Caribbean* (New York: Praeger, 1987), pp. 17-23; and Schooley, *Conflict in Central America*, p. 186.

[121] Quoted in North and CAPA (eds), *Between War and Peace in Central America*, p. 75.

[122] See Ferris, *Central American Refugees*, p. 101; Fagan and Aguayo, *Fleeing the Maelstrom*, footnote 9, p. 90, and Schooley, *Conflict in Central America*, p. 209.

> By early 1982, the church relief societies had become strongly polarized along lines determined by support or rejection of U.S and Honduran refugee policies. Supporters of the government's refugee policies – evangelical agencies such as the California-based World Vision or conservative churches represented within CEDEN [National Evangelical Committee for Emergencies and Development] – were judged by Catholic and mainline Protestant groups to be naïve accomplices in governmental plans, trading their compliance with military authorities for government approbation.[123]

The controversy forced World Vision to leave Colomoncagua camp in 1981 and Mesa Grande in 1982.

Experiences like that of MSF in the Salvadoran camps, confronting the coercive domination and exploitation of the refugees by the camp committees, tempered the political opinion of some organisations over time. Bataillon argues that it was the experience of the French NGOs in Central America which shifted the basis for intervention from one of political motivation to one of solidarity with victims, recognising that they could be found on both sides. He suggests that one of the imperatives faced by these NGOs during this period was to convince their base of support, mainly progressive and leftist, that the Nicaraguan refugees fleeing the Sandinista revolution and the Salvadoran peasants fleeing the Salvadoran army had the same right to receive aid and the protection of UNHCR.[124] The NGOs also needed to convince their volunteers: Bernard Pécoul faced a strike by members of MSF when he deployed a doctor to assist with an influx of Nicaraguan refugees to the camps near Danlí, since the strikers were opposed to aiding any group which could have been associated with the *contras*. Individual convictions were difficult to moderate, and Bataillon notes that MSF staff increased their acts of friendship to the Salvadorans when the organisation commenced work with the Nicaraguans, lending their vehicles to the health authorities during the weekends and financing activities more associated with political indoctrination than medical efficiency.[125]

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[123] J. Bruce Nichols, *The Uneasy Alliance: Religion, Refugee Work, and U.S. Foreign Policy* (New York: Oxford University Press, 1988), p. 125.

[124] Bataillon, 'L'action humanitaire des ONG francaises' p. 68.

[125] ibid.

3.3 Pragmatically-oriented

The third type of response identifiable among the aid community was one of pragmatism in the sense that the practical concerns of the provision of relief to the refugees took precedence over a political analysis or understanding of the political dimensions and ramifications of humanitarian assistance. The pragmatic approach can serve to justify an acceptance of the status quo which is serving a political or ideological cause, but is more often associated with a perceived inability to influence the political context, and hence a focus on the practical aspects of relief provision. This is characterised by adherence to performance indicators associated with, for example, income-generation projects, refugee self-sustainability and adequate services in the camps while ignoring the 'political' issues associated with security and protection. The aforementioned quote of the CRS country director, Patrick Ahern, typifies this approach: for the benefits of perceived social cohesion, and an efficient relief distribution system, Ahern accepted the domination of the refugee population by the camp committees, and the diversion of relief supplies.

The pragmatic perspective is also common in the realm of NGOs for which the development of the organisation is more important than the task of assisting vulnerable populations. The delivery of aid becomes the end in itself, and the drive to professionalise and compete with other NGOs to be bigger and better supersedes other considerations. This was well illustrated by the reaction of US NGOs to an offer by the US Department of Defence (DoD) of collaboration in 1987. The Director of the Office of Humanitarian Assistance of the DoD, Dr Robert Wolthuis, explained to an audience of NGOs that the DoD was authorised to provide aid organisations with excess US government property and transport for relief supplies on a space-available basis. Despite his disclosure that most of the first-year shipments had been for FOA, and that NGO eligibility was not restricted to those registered with USAID, the ensuing discussion generated as many questions pertaining to procedural and availability issues as to concerns about the appropriateness of the involvement of the DoD in 'humanitarian assistance'.[126] A group of interested NGOs was formed to 'explore improved and expanded cooperative arrangements with DoD',[127] apparently indifferent to the

[126] See Minear, *Helping People in an Age of Conflict*, pp. 38-40.
[127] ibid., p. 39.

likelihood that their relief supplies would be transported in US government aircraft beside military equipment and supplies.

3.4 UNHCR

Dependent upon discretionary funding from UN member states, UNHCR was intrinsically tied to the political context and, as such, does not fit well into the categorisation above. Throughout the conflict in Central America, the organisation was constrained in the fulfilment of its mandate through its financial dependence upon the US, which contributed about one-third of UNHCR's regional budget.[128] The US used this financial leverage to improve conditions for Nicaraguans in Honduras and to pressure UNHCR over issues concerning the relocation or repatriation of Salvadoran refugees.[129]

The position of UNHCR was further weakened by the failure of Honduras to become a party to the 1951 Refugee Convention and 1967 Protocol. Although the principle of *non-refoulement* was included in domestic law, UNHCR's effectiveness in providing protection was compromised by the limitations imposed by the local authorities, who in turn were strongly influenced by the US. Although the Honduran government depended upon UNHCR to meet the humanitarian needs of the refugees, their relief program was undertaken at the discretion of the Honduran authorities. The fragility of the relationship curbed UNHCR protests to the government about military infractions into the camps.

UNHCR was vulnerable to criticism for any action it undertook to improve protection of the refugees on both sides of Honduras. Further attempts to relocate the Salvadoran border camps would have resulted in the likely injury and death of refugees, and would have been strongly denounced by the aid community, human rights organisations, church groups and the refugees. Moreover, the refugee leadership may have compelled many of the refugees to return to El Salvador rather than move further inland, where their safety was far from assured. In the east of the country, UNHCR's attempts to keep refugees a safe distance from the border were undermined by the policies of its principal donor. UNHCR had to weave a prudent path between ensuring protection for refugees and respecting the political imperatives of the US Government. The agency also had to

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[128] Comptroller General, *Report to the Congress of the United States*, p. 2.

consider the impact that its actions in Honduras would have on operations elsewhere and in the future. The Central American refugee crisis clearly illustrated the contradiction implicit in upholding a humanitarian mandate while dependent upon funding from politically-interested states.

CONCLUSION

Several significant points emerge from the Central American refugee context. First and most importantly, this case illustrates that conceptions of what constituted a 'just cause' among most humanitarian actors was highly subjective. Rather than applying humanitarian principles of impartiality and neutrality to the refugees on both sides of the country, aid agencies tended to work with the refugees with whom they sympathised. Although preference given to the Nicaraguan refugees by the Honduran authorities provided some justification for agencies to focus on the Salvadoran camps according to the proportionality precept of impartiality, few argued in terms of humanitarian principles in the highly politicised context.

Second, as aid agencies discovered in the Afghan context, espousing a 'just' political cause was no guarantee of responsible leadership by the refugee warriors, and concern for the welfare of the civilian population. Organisations working with both the Salvadoran and Nicaraguan refugees permitted aid to serve the political agenda of the refugee leaders, despite its use as a coercive tool of refugee control. Some aid organisations considered that the political ends justified the means, and tolerated the practices in the refugee camps. Others, however, refused to accept that aid was manipulated in this way.

Third, circumstantial evidence from the Salvadoran refugee camps cast doubt on the claim that refugee warriors can only exist on the territory of a host state sympathetic to their cause. An international presence in the camps, even when on hostile territory, provides some protection in a similar fashion to 'safe areas' inside countries in conflict in the 1990s. Furthermore, although not significant in quantity, the elevated levels of aid in the camps permitted materials to be siphoned off to the guerrillas, and the camps structures facilitated influence over the refugee population. The value of the camps to

[129] Loescher, 'Humanitarianism and Politics in Central America', p. 181.

the guerrillas was illustrated through the attitudes of the refugee leadership to camp relocation and refugee repatriation.

In fact in many respects, the Salvadoran camps played a more important role for refugee warriors than the Nicaraguan camps. In comparison with the extent and nature of direct military support to the *contras*, the latter played a relatively minor role in the insurgency. The most significant contribution of the Nicaraguan refugees to the conflict was in a propaganda role to influence US public opinion in favour of the *contra* cause. This in turn generated assistance from right-wing private aid groups and US Government programs to the border region, which brought economic benefits to the guerrilla forces. But the refugee camps and border settlements were not significant in the conflict; most of the literature on the *contra* war does not even mention the Nicaraguan refugees.

Finally, this case starkly illustrates that the US subjugated humanitarian concerns to foreign policy interests, hence highlighting the conflict for aid agencies between accepting government funds and undertaking independent, impartial humanitarian activity. This was nowhere more apparent than with UNHCR, and demonstrates the difficulty of reconciling a mandate to protect refugees with a role of providing assistance. As Loescher remarks,

> effective protection requires operational independence; but setting up camps, generating assistance efforts, and raising money necessitate dependence on national governments... No refugee agency can simultaneously be independent for the purpose of protection and dependent for the purpose of relief.[130]

The US Embassy in Honduras refused to even recognise the Salvadorans as refugees, classifying them as 'economic migrants' in order to deny the possibility that they fled human rights abuses by the Salvadoran military that the US supported. The opposite image was portrayed of the Nicaraguan refugees, whose flight was exploited as 'proof' of the oppressive nature of the Sandinista regime. The refugees were pawns of foreign policy objectives.

The next chapter examines an equally politically-charged refugee context, but one that caused much deeper dilemmas to the aid organisations working with the refugees and

[130] Gil Loescher, *Beyond Charity: International Cooperation and the Global Refugee Crisis* (New York: Oxford University Press, 1993), p. 138.

inside the refugee-generating state. Caught between the political imperatives of three superpowers, an army of occupation and one of the most brutal regimes in history, the Cambodian refugees in Thailand and the aid operation mounted to assist them became a vital part of the ensuing conflict.

CHAPTER 4

THE CAMBODIAN REFUGEE CAMPS IN THAILAND

The Cambodian[1] refugee crisis along the Thai-Cambodian border, which unfolded in 1979, arguably posed the greatest challenge to the international humanitarian system of the Cold War period. Victims and oppressors, at the outset indistinguishable in their needs, became bound together in a symbiotic relationship by the relief operation and the politics which determined its path. Seemingly powerless to change the political context in which the aid operation was embedded, aid agencies had to confront the probability that their aid was reviving one of the most brutal regimes in modern history, the Khmer Rouge.[2]

Unlike the other case studies, the Cambodian refugee camps[3] were widely recognised by aid organisations, academics and the press as fuelling one side of the conflict. Critical works about the politicisation of the aid program appeared from the early 1980s, the seminal being William Shawcross' *The Quality of Mercy*.[4] Aid workers published detailed accounts of the evolution and problems of the aid operation,[5] and in-depth academic studies ensued.[6] All works highlight the vivid manipulation of the refugee population for political ends and the dilemma this posed to aid organisations as unwilling accomplices. The press openly questioned the role of the camps. An article in the *New York Times Magazine* stated: 'If the camps in Thailand are closed, the Khmer Rouge will be denied its prime source of sanctuary and supplies'.[7]

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1 The Khmer Rouge adopted the Khmer phonetic rendition for Cambodia, Kampuchea, in 1975, but the United Nations decided in 1984 to reverted to the name Cambodia as the accepted common-usage designation for the country and its people.

2 The 'Khmer Rouge' was the nickname for the Communist Party of Kampuchea.

3 The Thai Government did not confer refugee status on inhabitants of the border camps and referred to them as 'displaced persons camps'. Nevertheless the term 'refugee camp' will be used interchangeably with 'border camp' and 'holding centre' throughout this chapter.

4 William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New York: Simon and Schuster, 1984).

5 The most thorough early study is by Linda Mason and Roger Brown, *Rice, Rivalry and Politics: Managing Cambodian Relief* (Notre Dame: University of Notre Dame Press, 1983).

6 The most comprehensive academic study on the Cambodian refugee camps is by Josephine Reynell, *Political Pawns: Refugees on the Thai-Kampuchean Border* (Oxford: Refugee Studies Programme, 1989).

7 Steven Erlanger, 'The Endless War', *New York Times Magazine*, March 5, 1989, p. 52.

Thailand played a vital role in supporting the resistance forces on Thai territory, but managed to blend its roles of military and humanitarian sanctuary more closely than Pakistan or Honduras. Thailand officially proclaimed neutrality in the conflict between the Vietnamese-installed government in Cambodia and the Khmer resistance groups opposing it, but used the latter and the hundreds of thousands of refugees under their control as a buffer against the Vietnamese forces. The Thai government restricted the Cambodian refugees to the border area to engage their services as a humanitarian sanctuary for the resistance forces, and facilitated the transfer of arms and finance to the guerrilla factions.

In the refugee camps a thin veneer of humanitarian concern was applied through the presence of aid organisations, but the numerous attacks perpetrated against the border camps in the ensuing years testify to their limitations as protected humanitarian sanctuaries. In the intensely political context aid incurred extreme paradoxes in contributing to the war economy, conferring legitimacy on political players, and in permitting the domination and control of the civilian population. Rather than being unintended consequences of the relief effort, however, these 'paradoxes' were carefully orchestrated by the aid donor nations and the Thai Government to pursue foreign policy goals.

The pervasiveness of the political context necessitates commencing this chapter with a brief sketch of the political alliances and interests of the major players in the Cambodian refugee crisis. An attempt is then made to distinguish the role of Thailand as a purely military sanctuary to forces opposing the Heng Samrin Government in Phnom Penh, before analysing the role of the refugee camps in the conflict. Part Three then examines the attitude of the aid agencies operating along the border for which the paradoxical consequences of the aid they supplied was overt and widely recognised.

1. THAILAND AS A MILITARY SANCTUARY

From the outset, the Cambodian refugees were an integral part of the shifting political alliances and conflict which had enveloped the Indochinese region since the 1950s. As in Central America, the region was the scene of intense superpower rivalry, not only between capitalist and communist camps, but also between China and the Soviet Union

once these former allies became enemies. The Cambodian crisis was not the result of the classic Cold War bipolar conflict, but a tripartite power struggle involving socialist forces on either side.

Thailand, never having been colonised, escaped the turmoil of nationalist-communist independence struggles in Indochina, and retained a firm footing in the Western camp throughout the Cold War. Thailand became an ally of the United States (US) from the time of the Korean War (1950-1953), and provided military bases for American forces during the US war in Vietnam (1965-1975), as well as combat troops.[8] The US military also assisted the Thai Government suppress internal communist movements through the provision of economic and technical assistance in counter-insurgency.

Cambodia, by contrast, vacillated in its Cold War loyalties, courting all three major powers at various times. Declared a neutral state upon independence in 1954, both right wing and left wing movements formed in opposition to Prince Sihanouk's regime; the Khmer Serei (Free Khmer) in 1956 representing the former, and the Khmer Rouge during the same period, the latter. The US provided economic and military aid until Sihanouk initiated ties with the Soviet Union and China in 1965. The US then shifted its support to the conservative Khmer Serei guerrillas. Relations between the two governments resumed in 1969, but Sihanouk continued to court both sides of the Cold War divide, permitting North Vietnamese forces to establish supply lines inside Cambodia, and turning a blind eye to US bombing of these routes. The overthrow of Sihanouk in 1970 in a military coup lead by his conservative Prime Minister, Lon Nol, permitted an intensification of US bombing of the communist supply lines for the next three years. Nearly half of the 540,000 tons of bombs fell in the last six months.[9]

The indiscriminate bombing of the Cambodian countryside generated considerable opposition to the Lon Nol regime and thousands of peasants joined one of the resistance groups, whether pro-Sihanouk, pro-Vietnamese communist, moderate, or hardline Khmer Rouge. According to Ben Kiernan, US bombing particularly contributed to the rise of the Khmer Rouge to power, providing Pol Pot's forces with 'an excuse for its

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[8] See Ramesh Thakur, *Peacekeeping in Vietnam: Canada, India, Poland and the International Commission*. (Alberta: University of Alberta Press, 1984), p. 192.

[9] Ben Kiernan, 'Roots of Genocide: New Evidence on the US Bombardment of Cambodia', *Cultural Survival Quarterly* 14, No. 3, (1990): 20-22 at p. 20.

brutal, radical policies and its purge of moderate communists and Sihanoukists'.[10] Having decimated or forced into exile other opposition groups, the Khmer Rouge marched on Phnom Penh and secured the surrender of the Lon Nol Government on 17 April 1975. Thereafter ensued one of the most brutal periods in modern history, a period of violent socialist rule which, through policies of radical reforms and terror, resulted in the death of more than one million people by starvation, disease and execution.[11]

Thailand joined other members of the Association of South-East Asian Nations (ASEAN) in recognising the Khmer Rouge government, and despite their ideological differences, closure of their common border, and numerous violent border incidents, the two governments maintained cordial relations. The Vietnamese government, however, was less tolerant of Khmer Rouge border incursions, and tension escalated into open conflict following a Khmer Rouge attack against a Vietnamese provincial town in April 1977. Vietnamese forces invaded Cambodia in early 1978 and by December some 100,000 Vietnamese troops and 20,000 Cambodian guerrillas conducted an assault on the capital, which fell on 7 January 1979. The Vietnamese forces installed a government headed by a former Khmer Rouge official, Heng Samrin.

Very few countries recognised the new Vietnamese-backed government. Superpower politics and regional realignments overshadowed the removal of a regime responsible for widespread and massive human rights abuses and crimes against humanity. Following the Sino-Soviet split, China developed closer links with ASEAN nations, and although supporting the North Vietnamese during the US-Vietnam War, began to withdraw aid to Vietnam in 1975. Vietnam strengthened ties with China's principal foe, the Soviet Union, and China increased support to the Khmer Rouge, and began to thaw relations with the US. The ASEAN nations, towards which Vietnam's policy had been hostile since 1975, unified in opposition to Vietnam's invasion of Cambodia, particularly Thailand which claimed that Vietnam posed a direct threat, on account of

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[10] ibid.

[11] Estimates of the number of deaths caused by the Khmer Rouge regime range from several hundred thousand to several million. Mass graves discovered by the Yale University Genocide Program, under the directorship of Ben Kiernan, in Cambodia in 1996 suggest that the death toll may have been closer to two million than one million. See Seth Mydans, 'Cambodian Killers' Careful Records Used Against Them', *New York Times*, 7 June 1996, p. A1 and p. A8.

having troops in both Laos and Cambodia.[12] Thus despite the record of the Khmer Rouge, political deals were struck among regional nations, largely on the basis of 'the enemy of my enemy is my friend'. Opposition to Vietnam and the USSR united former adversaries, the most remarkable of which was Prince Sihanouk and the Khmer Rouge, an alliance which was brokered by China. The Chinese Government was to have increasing influence in the ensuing years in sustaining the anti-Vietnamese resistance through diplomatic and military means.

In what was a political and moral compromise of expediency, the governments of the US, Australia, Malaysia, Singapore, Japan and the European Economic Community pledged financial backing in support of China's attempts to forge a united opposition front among all opposition movements in Thailand, including the Khmer Rouge.[13] The Coalition Government of Democratic Kampuchea (CGDK), discussed further below, was formed in 1982 from a tripartite agreement between the Khmer Rouge, the Khmer People's National Liberation Front (KPNLF) and Prince Sihanouk's United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (*Front uni national pour un Cambodge indépendent, neutre, pacifique et coopératif* - FUNCINPEC). The alliance served to dilute the visibility of the Khmer Rouge, thereby providing Western nations with a façade through which any means could be pursued to oppose the Vietnamese occupation of Cambodia.

The role of Thailand as a military sanctuary for Cambodian resistance movements was limited prior to China's involvement in the creation of the opposition to the Vietnamese backed regime in Phnom Penh. The border region north of Aranyaprathet had been the site of several resistance camps run by right-wing guerrillas opposing Sihanouk since the 1950s, but these bases facilitated smuggling as much as military activities.[14] During the 1970s, many former officers and soldiers in Lon Nol's army also held bases in this region, but again these were predominantly used for black market trade in teak, gems,

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[12] Tony Jackson points out that there is a dearth of evidence to substantiate claims that Vietnam had expansionist aims. He suggests that these fears were exaggerated to justify the high levels of military spending by the West. Personal communication, 28 May 1999.

[13] Craig Etcheson, 'The Khmer Way of Exile: Lessons from Three Indochinese Wars', in Yossi Shain (ed.), *Governments-in-Exile in Contemporary World Politics* (New York: Routledge, 1991), pp. 92-116 at p. 106.

[14] Reynell, *Political Pawns*, p. 32.

gold and silver.[15] The Vietnamese invasion of Cambodia and the presence of Vietnamese forces in Laos, however, was perceived as a direct threat to Thai security, and Thailand's role in the conflict grew from one of initially granting temporary refuge to Khmer Rouge troops, to one of a base for the resistance forces.

Thailand fulfilled several functions of a classic military sanctuary to the Cambodian resistance. First, safe passage through Thai territory was granted to Khmer Rouge soldiers retreating from Vietnamese army advances. Herding civilians with them, combatants passed through Thai territory to avoid Vietnamese attack; some 50,000–80,000 soldiers and civilians traversed the region near Aranyaprathet in April 1979 en route to rejoin Khmer Rouge units inside Cambodia.[16] When facing defeat, the Khmer Rouge retreated to the Cardamom Mountains in the southwest of Cambodia from which they had access to sanctuary in Thailand. But although Thai authorities permitted safe passage to Khmer Rouge troops and civilians, they were initially reluctant to allow these groups to remain on Thai territory. In late April many Cambodians fled to the border as starvation and an outbreak of cerebral malaria began to decimate the Khmer Rouge base populations. The Thai authorities blocked their entry into Thailand and forced those who had crossed the border to return to Cambodian territory. By October, however, the Thai Prime Minister had softened his stance, driven by a combination of the media images of dying Cambodians along the border, and a warning from the Thai military that the collapse of the Khmer Rouge as a fighting force would leave no opposition to the Vietnamese in Cambodia.[17] The military recommended that the Khmer Rouge be permitted sanctuary in Thailand to escape annihilation and to regain troop strength. Hence Thailand became host to the demolished fighting force and its civilian entourage. The Government announced an 'open-door' policy to Cambodian 'refugees' following Western pledges of humanitarian aid and refugee resettlement opportunities.

The mixture of security and humanitarian concerns of the Thai Government towards the Cambodian conflict permeated every aspect of Thai response in the ensuing years. Under the 'open door' policy, the early refugees and Khmer Rouge soldiers were

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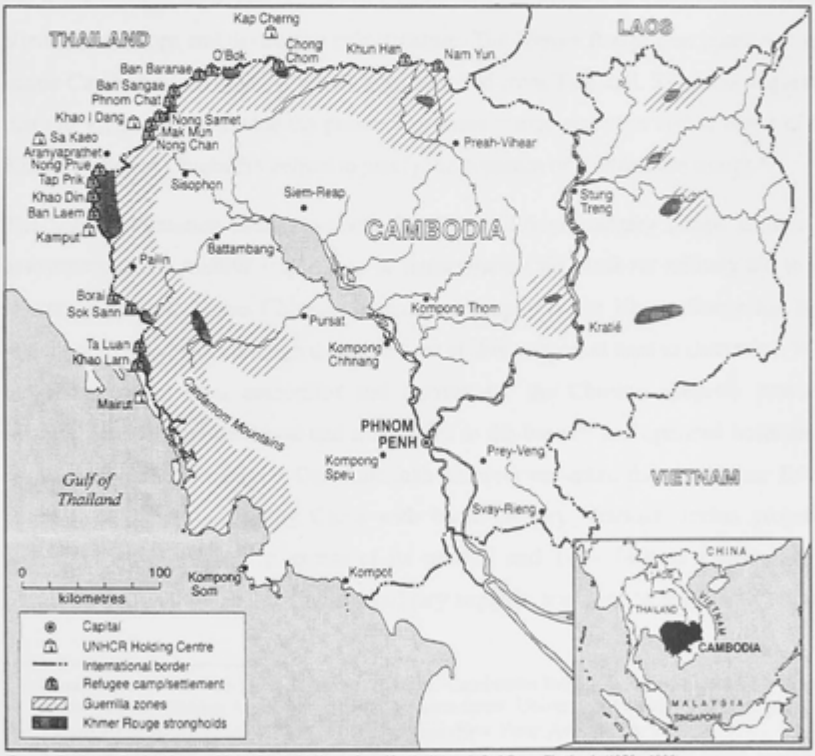
[15] Judy A. Mayotte, *Disposable People? The Plight of Refugees* (Maryknoll, NY: Orbis Books, 1992), p. 43.

[16] *New York Times*, 30 April 1979 as cited in Joseph Zasloff , *Kampuchea: A Question of Survival* (Part II, The Political Dimensions) (n.p: American Universities Field Staff Reports, No. 47, 1980), fn 4, p. 13, and Shawcross, *The Quality of Mercy*, p. 85.

[17] Shawcross, *The Quality of Mercy*, p. 172.

transported to holding centres inside Thailand, one at Sa Kaeo, 60 km from the border and the other at Khao I Dang, 12 km from the border. But by February 1980, security considerations came to the fore, and the open door policy came to an abrupt halt. The strategic value of the refugees as a buffer along the border and as a source of support for the re-emerging resistance movement determined refugee policy thereafter. The Thai military began to transfer refugees forcibly from the holding centres to the border during the night. Henceforth Cambodian asylum seekers were relegated to make-shift border camps where they comprised a humanitarian sanctuary *par excellence* for the resistance forces, which will be discussed further in the next section.

Map 3: The Cambodian Refugee Camps and Khmer Rouge Strongholds, 1980



Sources: Robinson, *Double Vision*, p.75 and Claude Malhuret, *Les réfugiés d'Asie du Sud-Est en Thaïlande (1975—1980)*, (Paris: Médecins sans Frontières, 1980), p.29, as modified by author

The second classic role Thailand played as a military sanctuary was as host to a network of secret military camps, the majority of which were operated by the Khmer Rouge, in

addition to the 'refugee' camps which were assisted by the aid community. The network of military camps traversed both sides of the Thai-Cambodian border and most housed civilians and soldiers since the Khmer Rouge ideology did not differentiate between combatants and non-combatants. Norah Niland makes a distinction between several types of camps: 'remote camps' which were militarised but to which aid organisations had limited access; 'hidden border camps' which contained civilians but to which no international access was permitted; and 'satellite camps' which included front-line camps, military training camps, and rudimentary hospital camps, to which aid organisations also had no access.[18] Up to 100,000 Cambodians were estimated to have lived under Khmer Rouge control in the inaccessible satellite camps.[19] From these bases the Khmer Rouge were able to launch attacks into the interior of Cambodia, engaging Vietnamese troops and destroying infrastructure. The Khmer Rouge also operated bases inside Cambodia (see Map 3), which were supplied from Thailand. Sihanouk suggested that the Vietnamese tolerated the presence of these camps since the visible threat of the Khmer Rouge in Cambodia helped to justify the presence of Vietnamese troops.[20]

The scant information available about the Khmer Rouge military camps renders an assessment of the relative importance of humanitarian aid vis-à-vis military aid to the resistance difficult. Direct Chinese Government support to the Khmer Rouge has been widely acknowledged, although the full extent of this support is hard to determine. With the assistance of Thai authorities and institutions, the Chinese allegedly provided finance, medical supplies, food and small arms to the bases,[21] and operated hospitals in some of the military camps.[22] One American observer remarked that the Khmer Rouge bases were 'amply armed by China with basic infantry weapons, rocket propelled grenades, and mortars... in excess of its needs,[23] and Tony Jackson claims that an estimated 300-500 tonnes of Chinese military supplies was sent to the border through

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[18] Norah Niland, 'The Politics of Suffering: The Thai-Cambodian Border: A Case Study on the Use and Abuse of Humanitarian Assistance' (Dublin: Masters thesis, University of Dublin, 1991), p. 101.

[19] *Violations of the Rules of War by the Khmer Rouge* (New York: Asia Watch, 1990), p. 3.

[20] Norodom Sihanouk, *Chroniques de guerre... et d'espoir* (Paris: Hachette/Stock, 1979) as cited in Zasloff, *Kampuchea: A Question of Survival*, p. 4.

[21] Zasloff, *Kampuchea: A Question of Survival*, p. 9.

[22] See Reynell, *Political Pawns*, p. 129.

[23] Statement by Karl D. Jackson, Deputy Assistant Secretary of Defence (East Asia and Pacific Affairs), at *Hope for Cambodia: Preventing the Return of the Khmer Rouge and Aiding the Refugees* (Washington: Hearings Before the US House of Representatives, 30 June 1988 and 28 July 1988), p. 50.

Thailand each month.[24] The Thai military provided logistical support for the transfer of arms supplies and even provided transport for soldiers to and from the civilian refugee camps for family visits.[25] Furthermore, Thai banks facilitated the transfer of funds. The Thai Government benefited considerably from the use of Thai territory for Khmer Rouge resupply. Shawcross states that in exchange, the Chinese Government pledged to decrease support for communist insurgents operating in Thailand; to guarantee Thailand's security in case of Vietnamese attack; and to sell the Thai Government oil at subsidised prices.[26]

The US also allegedly provided significant funds to the Khmer Rouge arsenal, although the US Government denies such support. However, a document produced by the US Congressional Research Service in 1986 documented the transfer of $85 million from the US Government to the Khmer Rouge between 1980 and 1986, $73 million of which was granted in 1980 and 1981.[27] If accurate, such support would have constituted a major contribution to the revival of the Khmer Rouge. By comparison, one US estimate of the annual financial needs of the two non-Khmer Rouge resistance forces suggested that $15 to $20 million would 'significantly increase the size of their order of battle'.[28] The US National Security Adviser Brzezinski, also admitted that the US Government had assisted the Khmer Rouge in 1979: 'I encouraged the Chinese to support Pol Pot. I encouraged the Thai to help the D.K. [Democratic Kampuchea]'.[29] Yet while pursuing this covert support, the US publicly espoused anti-Khmer Rouge rhetoric, couching justifications for increased financial support to the non-communist forces in terms of preventing a return of the Khmer Rouge to power in Phnom Penh in the event of a Vietnamese withdrawal.[30] Thus whether from China alone or with additional funds and

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24 Tony Jackson, *'Just Waiting to Die? Cambodian Refugees in Thailand'* (Oxford: Research and Evaluation Unit, Oxfam, July 1987), p. 18.

25 Reynell, *Political Pawns*, p. 57.

26 Shawcross, *The Quality of Mercy*, p. 126.

27 These figures come from a letter sent to Senator John Kerry's office from the US Congressional Research Service in October 1986. See Reynell, *Political Pawns*, footnote 5, p. 41 and Eva Mysliwiec, *Punishing the Poor: The International Isolation of Kampuchea* (Oxford: Oxfam, 1988), p. 146.

28 Senator Robert Kaster, Opening Remarks at *US Policy Towards Anti-Communist Insurgencies* (Washington: Hearing Before a Subcommittee of the Committee on Appropriations, United States Senate, 8 May 1985), p. 7.

29 Elizabeth Becker, *When the War was Over* (New York: Simon and Schuster, 1986), p. 440 as cited in Etcheson, 'The Khmer Way of Exile', p. 105.

30 Kaster, Opening Remarks at *US Policy Towards Anti-Communist Insurgencies*, pp. 7-8.

supplies from the US, the Khmer Rouge were rehabilitated as a strong fighting force within two years of their defeat by the Vietnamese army.

Many of the Khmer Rouge military camps to which aid organisations had little or no access also derived some indirect assistance from the humanitarian relief effort through their location in the vicinity of a United Nations (UN)-assisted refugee camp. Asia Watch, through interviewing escapees from the camps, was able to piece together an outline of four main 'clusters' of Khmer Rouge camps along the border in 1990.[31]

Table 2: Khmer Rouge Camp Clusters in 1990

UN Camp	No. of Satellite Camps	Civilian Population Assisted	Civilian Population Unassisted	Military Population
O Trao[32]	7	16,000	24,000	9,000
Site 8	3	40,000	20,000	7-8,000
Borai	2	4,400	15,000	7,000
Site K[33]	6	12,000	13,000	8-9,000

Efforts to access the military camps were undertaken by several aid agencies since they were aware that many camp inhabitants were Cambodian peasants, confined to the military camp against their will and forced to perform military functions. But access was rarely granted. Instead of freeing the civilians from their captors, the proximity of the military camps to the UN-assisted camps put the latter squarely under the influence of the former, and refugees were forcibly transferred to the military camps whenever required by the Khmer Rouge leadership.[34] In 1987, for example, over 1,000 men, women and children were forcibly moved from the UN-assisted Site 8 to one of the closed Khmer Rouge camps on the northern border with Cambodia, despite protests from international agencies.[35]

The Khmer Rouge allegedly treated the military camp inhabitants in much the same way as they had treated the population of Cambodia during their reign. All camp inhabitants were expected to contribute to the war against the Vietnamese and Heng Samrin forces.

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31 *Violations of the Rules of War by the Khmer Rouge*, pp. 4-8.

32 O'Trao camp was formed in 1988 from an amalgamation of Huay Chan and Natrao camps, shown in Map 5.

33 Thai authorities established Site K in 1989 for the inhabitants of Ta Luan, Borai and their satellite camps. The Khmer Rouge in Borai resisted the move, however, and forced many camp residents across the border in 1990.

34 Mayotte, *Disposable People*, p. 99.

Able-bodied men were coerced into becoming fighters, and women and men were engaged as porters carrying war materiél to the front lines. Young children and the elderly were forced to work around the camps in support functions such as maintenance, wood collection, road clearance and food production, and children as young as ten were deployed as porters. Many combatants and porters succumbed to enemy attack, malaria or injuries inflicted by anti-personnel mines which littered the areas through which they were forced to march. Carrying heavy loads of military hardware, medicine and supplies, the porters would undertake trips into Cambodia which could last up to a month, and risked being killed if they refused such tasks.

The Khmer Rouge employed various techniques to enforce compliance by the camp population to the leadership's demands, including disinformation and propaganda sessions, fear, retribution, and the denial of essential services. Food and medical assistance were not granted but earned; food rations were allocated according to the task performed. A fighter received the highest ration, porters received less, and camp labourers received less than half the ration of porters which was inadequate to survive.[36] In this way the Khmer Rouge assured that there would be people willing to undertake the more dangerous tasks, and complete food denial was used to punish insubordination.

Some of the Khmer Serei factions also had satellite military camps, part of the revenue for which came from taxes levied on black marketeers who came to the border to buy gold and gems from smugglers, or to set up markets to sell goods to refugees. But the largest resource at the disposal of the non-Khmer Rouge leaders was provided by the aid program. Similarly, although China is known to have supplied many of the Khmer Rouge military camps with food and medical supplies, a significant amount of food came from the humanitarian relief effort, through the Thai military. The World Food Programme (WFP) had discreetly agreed to deliver food to Thai army warehouses for onward delivery to 'various populations of Khmer refugees and displaced Thai villagers'.[37] Shawcross states that internal WFP documents show that officials were aware that this food went to feed the Khmer Rouge and other resistance groups.[38] While

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35 Reynell, *Political Pawns*, p. 67.

36 For the testimonies of former Khmer Rouge captives, see *Violations of the Rules of War by the Khmer Rouge*.

37 Mason and Brown, *Rice, Rivalry and Politics*, p. 165.

38 Shawcross, *The Quality of Mercy*, p. 229. Also see Mason and Brown, *Rice, Rivalry and Politics*, pp. 140-142.

no one doubted the existence of Thai villagers displaced by the refugees, a census was never conducted of the number of affected Thais, but rations for 85,000 people were, on average, supplied between 1979-1983.[39]

Thailand's role as a military sanctuary also extended into the political domain, permitting the establishment of a 'government-in-exile' on Thai territory. As mentioned earlier, China brokered the formation of the anti-Vietnamese alliance among the factions opposed to the Heng Samrin regime: Prince Sihanouk's FUNCINPEC, Son Sann's[40] KPNLF, and the Khmer Rouge. Such an alliance was crucial for the international image of the Cambodian resistance, particularly once evidence of the brutality of the Khmer Rouge regime began to circulate. Despite public statements of abhorrence at the behaviour of the Khmer Rouge, Western nations considered it to be an integral component of the resistance forces, having a troop strength of 40,000 with a militia of another 10,000-15,000, compared with KPNLF's 12,000 troops and the Sihanoukist National Army's 3,000-5,000 combatants.[41] Hence the notion of a 'government-in-exile' presided over by Prince Sihanouk was a way of reducing the visibility of the Khmer Rouge to make the Cambodian resistance palatable to international opinion. Neither Son Sann nor Prince Sihanouk was comfortable with the alliance, however, resisting its formation until 1982, and then limiting the arrangement to that of a coalition instead of a united force as proposed by the Chinese.[42] An image of unity was further enhanced when Thailand pressured the various Khmer Serei guerrilla groups to align under the banner of the KPNLF.

Thailand thus played an important role as a military sanctuary for the forces opposing the Vietnamese-installed regime in Phnom Penh, providing territory on which the factions could construct bases, facilitating the flows of finance and arms to the guerrilla

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[39] Shawcross, *The Quality of Mercy*, p. 229. A UN document covering the period 1979-1991 mentions relief and rehabilitation assistance delivered to 200,000 affected Thai villagers, 'in cooperation with the Thai Government and Army'. *Cambodian Humanitarian Assistance and the United Nations (1979-1991)* (Bangkok: Office of the Special Representative of the Secretary General of the United Nations for Coordination of Cambodian Humanitarian Assistance Programmes (OSRSG), 1992), p. 28.

[40] Son Sann was a former Prime Minister during the time of Sihanouk, but the two men were not allies.

[41] *Washington Post*, November 22 1983 as cited in W. Courtland Robinson, *Double Vision: A History of Cambodian Refugees in Thailand* (Bangkok: Institute of Asian Studies, Chulalongkorn University, 1996), p. 113. By 1989, American intelligence estimates put troop strength at between 28,000 and 60,000 for the Khmer Rouge, compared with 16,000 soldiers under Sihanouk and 11,000 under the KPNLF. Erlanger, 'The Endless War', p. 27.

[42] Shawcross, *The Quality of Mercy*, p. 340.

groups, and enhancing the diplomatic legitimacy of the resistance through hosting a 'government-in-exile'. The extent to which these functions were performed, however, was markedly enhanced by the large humanitarian sanctuary provided by the refugees and the aid organisations assisting them. Unlike the Afghan refugee camps in Pakistan and the Salvadoran and Nicaraguan camps in Honduras which played important but not crucial roles in support of resistance movements, the next section illustrates that the existence of the Thai-Cambodian border refugee camps was an integral component of the insurgency against Phnom Penh. The role of Thailand as a purely military sanctuary was limited; it was the humanitarian aid effort which sustained the resistance through the direction of the major donors and the complicity of the aid organisations.

2. THAILAND AS A HUMANITARIAN SANCTUARY

The Cambodian refugees housed along the Thai-Cambodian border were crucial to the efforts of Thailand, ASEAN, and Western nations to mount a resistance to perceived Vietnamese expansionism though Asia. The presence of the refugees enabled support to the Khmer Rouge to be disguised, not so much from the Vietnamese and the Heng Samrin Government in Phnom Penh, but from the public as details of Khmer Rouge atrocities surfaced in the West. The presence of refugees was also the main source of legitimacy for the CGDK, without which the notion of a government-in-exile would have been more difficult to sustain. The refugees attracted massive quantities of humanitarian aid to the border in the decade they resided there, which was a significant resource for the guerrilla movements. And, most importantly, the refugee camp structures enabled the resistance leaders to control the civilian population. The only function of a typical humanitarian sanctuary that the camps did not fulfil was that of physical protection for the guerrilla forces, particularly prior to 1985 when the camps were on the Cambodian side of the border.

2.1 Protection

The confinement of Cambodian refugees to the border area between Cambodia and Thailand was intended to fulfil three principal objectives: to provide a buffer of humanity between the Vietnamese-affiliated forces and Thailand; to constitute a base of support for the resistance forces along the border; and to minimise the destabilising

effects that hundreds of thousands of refugees could have produced inside Thailand. Hence the notion that the refugees would provide an element of protection from the Vietnamese forces for both Thailand and the resistance factions was implicit in this strategy. The presence of civilians alongside combatants did not, however, deter the launching of attacks against the border camps, although whether such attacks would have been more severe had the refugees not been present is impossible to predict. As Rufin pointed out, the protective function of a humanitarian sanctuary is mainly a result of the international condemnation that an attack against a refugee community might incur. But when the aggressor is already condemned internationally, as was the case in Cambodia and South Africa, the importance of international respectability diminishes. Phnom Penh was already deprived of the seat at the UN and was internationally isolated: what more could the West have done? Furthermore, the authorities in Phnom Penh would have been aware of the lack of distinction between civilians and combatants under the control of the Khmer Rouge, and thus may have considered all Cambodians along the border to be legitimate targets.

The first attack launched against the refugee camps occurred in June 1980 in response to the repatriation of refugees from Sa Kaeo and Khao I Dang to the border area, in which the United Nations High Commissioner for Refugees (UNHCR) had participated in an attempt to halt the forced night transfers by the Thai army. Phnom Penh viewed the repatriation for what it was, a way of strengthening the resistance along the border. Hun Sen, Heng Samrin's foreign minister, sent a letter to the UN High Commissioner for Refugees, Poul Hartling, in which he labelled the move 'an attempt to introduce into Kampuchean territory armed bands of the Pol Pot-Ieng Sary and Sereika clique, supplied and trained in Thailand by the Peking expansionists in collusion with the American imperialists'.[43] The artillery attack and Thai counter-attack killed some 400 refugees and wounded 900 others.

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[43] As cited in Shawcross, *The Quality of Mercy*, p. 318.

Map 4: The Cambodian Refugee Camps on the Thai-Cambodian Border, 1984

Sources: Robinson, *Double Vision*, p.110, as modified by author

Each dry season an offensive was launched against the border camps which drove the camp population into temporary sites inside Thailand. The UN agency established to coordinate activities along the border, the UN Border Relief Organisation (UNBRO) supervised 85 such camp evacuations between 1982 and 1984, 65 of them under fire.[44] At the end of 1984, the Vietnamese launched a particularly devastating offensive against the camps, but one which ultimately improved conditions for the refugee population. Following the attack and subsequent evacuation, the Vietnamese and Heng Samrin forces occupied the camps and sealed the border, preventing the refugees from returning. As a result, the Thai Government was obliged to give UNBRO permission to construct new camps inside Thailand (see Maps 4 and 5), providing the opportunity to

[44] Jackson, *Just Waiting to Die?* p. 4.

reorganise the camp populations to separate the military from civilians. As illustrated in the previous section, however, the resistance forces were still able to benefit from the presence of the refugees as each of the camps was officially affiliated to one of the CGDK factions and remained in close proximity to the military camps. Furthermore, civilian camps were located between one and six kilometres from the border and were thus within shelling range of the Vietnamese guns. So although security did improve and annual evacuations were no longer necessary, both military and civilian camps were still vulnerable to sporadic shelling, and refugees continued to be injured and to die as a result of mortar fire over the next four years.

Thus the refugee camps along the Thai-Cambodian border did not incur to the same extent the paradox of refugee camps elsewhere in providing legal and physical protection to armed movements. The presence of refugees seems to have done little to discourage Vietnamese attacks against their opposing forces along the border area. Not only did the refugee population suffer attacks by the Vietnamese-backed forces in Cambodia, but also from the CGDK factions under whose control they were forced to live. They suffered from a lack of physical protection against organised violence of the factions; criminal activities associated with any large concentration of dispossessed and under-employed people; and violence and disciplinary measures inflicted upon them by Thai military and paramilitary forces.[45] Furthermore, most refugees were denied any form of legal protection as Thailand only accorded refugee status to a few thousand refugees in Khao I Dang holding centre who were eligible for resettlement in a third country.[46] Access of international agency personnel to the hidden border camps and other military camps of the various factions was forbidden except on rare occasions, thereby obviating any possibility of providing security or legal protection to civilians retained therein.

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[45] The Thai Government deployed a combined paramilitary and intelligence unit called Task Force 80, supposedly to protect the Cambodian population, but in reality to enforce the closed nature of the camps to prevent the refugee population from seeking sanctuary further in Thailand. See Reynell, *Political Pawns*, p. 143.

[46] Khao I Dang, which was managed by UNHCR and the Thai Ministry of the Interior and Supreme Command, was the holding camp for refugees scheduled to be resettled in a third country. It was officially closed to new arrivals in 1980, but Cambodians continued to arrive through bribing officials or smuggling themselves in. Any unregistered camp occupants present after 1985 were considered to be 'illegal immigrants' and were transferred back to the border. Robinson, *Double Vision*, p. 119 and Reynell, *Political Pawns*, pp. 136-138.

Map 5: The Cambodian Refugee Camps on the Thai-Cambodian Border, 1986

Source: Jackson, *Just Waiting to Die?*, p.5, as modified by author

2.2 *War Economy*

From the outset of the relief program, humanitarian aid made a substantial contribution to the war economy of the various Khmer factions along the border. For the factions affiliated to the KPNLF, the revenue gained from the relief program and the refugees, together with smuggling and extortion activities, constituted the bulk of the resources at their disposal, at least before the formation of the CGDK. The Khmer Rouge, as illustrated previously, received covert support from China and allegedly the US, but also received considerable supplies through the humanitarian relief program, supplies which did not have to be misappropriated as in the case of the KPNLF groups. Similarly it seems that Prince Sihanouk's faction did not need to divert resources from the refugees to finance the war economy. The prestige and personal influence of the former royal

ruler of Cambodia facilitated successful fund-raising trips abroad, which enabled him to supplement resources in Greenhill camp, which he controlled.[47] Nevertheless, a survey of the occupation of camp inhabitants conducted in 1986 found that 50 percent of the men in Greenhill considered themselves to be soldiers.[48] Thus aid played a fungible role, releasing resources for military activities that would have otherwise been used to feed soldiers.

The diversion of food aid by camp leaders was a particularly grave problem in the Khmer Serei camps in the first years of the humanitarian relief effort. Through inflating beneficiary numbers and distributing rations inferior to those calculated by the aid organisations, the camp leaders were able to amass considerable quantities of rice, oil and other items to resell or transfer to military camps hidden along the border. Mason and Brown[49] document two camps in which this process is well illustrated, Mak Mun camp which was controlled by Van Seren, a rogue anti-Khmer Rouge military leader, and Nong Samet camp, controlled by In-Sakhan, leader of one of the bands of Khmer Serei guerrillas. Food distributions to both camps commenced in late 1979 and were conducted by the 'Joint Mission' of UNICEF and ICRC, which was the first arrangement established to coordinate relief along the border. In both sites, camp leaders offered their services to facilitate distributions to camp residents, suggesting that food be delivered to a central location from which camp administrative staff would ensure its delivery to the household level. The initial confidence in these leaders diminished when, after three months, the Joint Mission discovered that the population of Mak Mun was closer to 50,000 than the 300,000 that Van Saren had specified. Similarly, the Joint Mission revised its delivery figures from 180,000 to 60,000 rations in Nong Samet once reports that the camp administration was selling relief goods reached aid organisations. The diversion of aid supplies through inflated beneficiary numbers continued throughout the ensuing decade; a census conducted in Site 2 in July 1989 reduced the beneficiary numbers from 180,000 to 140,000.[50]

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[47] Reynell, *Political Pawns*, p. 60.

[48] Survey results from Site 2 indicated that 37 percent of men were soldiers, compared with only 2 percent of men in the Khmer Rouge Site 8, although 13 percent in the latter camp described themselves as ammunition porters. See Reynell, *Political Pawns*, pp. 102-103.

[49] The Mak Mun case is described on pp. 47-59 and the Nong Samet case on pp. 65-74 of Mason and Brown, *Rice, Rivalry and Politics*.

[50] Niland, 'The Politics of Suffering', p. 137.

In spite of the vast profits made in the initial months through inflated beneficiary numbers, even further food was diverted from the camp population through reducing ration entitlements. A survey conducted in Nong Samet in December 1979 revealed that 49 percent of all rice delivered to the camp was taken to the military section, and that 46 percent of all water delivered was used by the military and privileged classes even though these comprised only 16 percent of the population.[51] Another monitoring report in February 1980 disclosed that 64 percent of the rice delivered to the camp never reached the household level, as persistently high levels of malnutrition in Nong Samet testified. Similarly in Mak Mun, despite the efforts of aid officials to bypass the central distribution level and deliver supplies directly to camp quarters, monitoring exercises undertaken in February 1980 revealed that 89 percent of the rice and 80 percent of the oil delivered to the quarter level distribution committee never reached the households.[52] Not all relief diverted in these camps went to support the war economy; both Van Seren and In-Sakhan were concerned as much with personal enrichment as with the fight against Vietnamese communists, which was common among the undisciplined elements of the Khmer Serei guerrillas. The same cannot be said for Khmer Rouge guerrillas, however, whose discipline and organisation was so apparent in comparison with the corrupt system in Khmer Serei camps that the Joint Mission was impressed with the efficiency,[53] in spite of the historical implications of such discipline.

Whereas efforts to monitor distribution of supplies and restrict diversion to the military were attempted in Khmer Serei camps, very little monitoring of Khmer Rouge camps was undertaken. At the outset of the relief effort, considerations of the nature of the Khmer Rouge leadership were superseded by concerns to address the desperate needs of the population under their control. Since the Khmer Rouge camps were situated in dangerous terrain on the Cambodian side of the border, food was delivered to points on the Thai side from which Khmer Rouge porters would collect it and distribute it to the cooperatives around which the camps were organised. Aid personnel only had occasional access to monitor the way in which food was distributed,[54] but the few times

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51 Mason and Brown, *Rice, Rivalry and Politics*, p. 67.

52 UNICEF Monitoring Report, 22 February, 1980 as cited in Mason and Brown, *Rice, Rivalry and Politics*, p. 55.

53 Mason and Brown, *Rice, Rivalry and Politics*, pp. 138-139.

54 Reynell states that even after the 1985 camp move, four out of five Khmer Rouge camps were closed to relief officials. *Political Pawns*, p. 59.

these visits were undertaken, the system was found to be highly organised and efficient, with record-keeping systems and a relatively equitable distribution of goods. UNICEF personnel were particularly impressed in the early months of the border program, asserting at a food coordination meeting in March 1980 in Bangkok that the Khmer Rouge operation was a success and should be continued or even augmented, despite recognising that food went to the Khmer Rouge military. A monitoring report of Khao Din on 5 February 1980 stated that 'of the food delivered to Khao Din, 30 percent goes directly to the Khmer Rouge soldiers nearby.'[55] ICRC, by contrast, was concerned by the prospect of feeding Khmer Rouge military, and in an internal document wrote: 'despite our incessant efforts to make these people understand that this food is not for the Khmer Rouge army, we can state once again that our distribution criteria are not respected. I believe that here also, we must soon take more severe measures.'[56] By April, as the health of Khmer Rouge camp inhabitants improved and the military agenda of the guerrilla group became clearer, UNICEF began to share the concerns of ICRC, and the Joint Mission started to search for ways to end their involvement in feeding Khmer Rouge camps.

The same concerns were not apparently shared by WFP which, as mentioned earlier, provided food to the Thai army for Khmer Rouge camps which were not serviced by the Joint Mission, and for Thai displaced villagers. Such food was delivered to Thai military warehouses and the only monitoring mechanism which existed was monthly warehouse inventories and distribution records which were completed by the Thais. This food also arrived at night in the Joint Mission-administered camps, which undermined the efforts of UNICEF to distribute food only to women and children in the camps. ICRC withdrew from the feeding program in mid-1980 and from the Joint Mission at the end of that year, but UNICEF continued food deliveries to Khmer Rouge camps for another 12 months, with ad hoc distributions also made by two American non-government organisations (NGOs), Catholic Relief Services (CRS) and World Relief, both of which had offered to undertake all Khmer Rouge camp distributions. UNICEF was pressured

[55] UNICEF Monitoring Report, 5 February, 1980 as cited in Mason and Brown, *Rice, Rivalry and Politics*, p. 139.

[56] ICRC internal document, 7-13 January, 1980, translated from French, as cited in Mason and Brown, *Rice, Rivalry and Politics*, p. 140.

into continuing its role feeding the Khmer Rouge camps, for reasons which will be discussed in the section on legitimacy.

The distribution of food and non-food items to Khmer Rouge camps was the main way in which humanitarian aid contributed to the war economy of the Khmer Rouge. In the Khmer Serei camps, however, revenue gained through the diversion of food aid was supplemented by systems of taxation and extortion levied on refugees. Refugees interviewed by the Lawyers Committee for Human Rights reported, for example, that KPNLF officials charged asylum seekers 400 baht ($16) to cross the border area under their control, and a further 1000 baht ($40) to hire a KPNLF 'guide' who would escort the refugees to Site 2.[57] Cambodians unable to pay this sum were forced to stay in the hidden border camps until the fee was forthcoming from relatives at Site 2 or from abroad. A kidnapping racket was also run by KPNLF-affiliated groups and Thai-Cambodian syndicates, with ransoms of up to $10,000 demanded of relatives living in the US.[58] Unlike Sihanouk's troops who were regularly paid, the KPNLF soldiers only occasionally received 30-40 baht from their commanders; hence, robbery and extortion were important sources of revenue.[59]

Taxation of refugees and the many traders and merchants who established a black market in the camps was another source of revenue for the guerrilla factions and for Thai Task Force 80 personnel. The camp economy, conducted around the sale and trading of relief items, was supplemented by remittances that some of the refugees received from relatives in Thailand, Cambodia or abroad; some 2 million baht ($150,000) were alleged to enter Site 2 each month.[60] Traders were charged a toll on goods brought in and out of the camps, and severe punishments were inflicted on traders who tried to smuggle goods past the guards. Camp administrators also levied taxes on Cambodian staff of aid agencies; Reynell's study found that in Site 2, Greenhill and Site 8, all workers were required to pay two tins of fish from the dozen they earned as their weekly payment.[61] In Site 2 North, ordinary refugees were also taxed one tin of fish and

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[57] *Refuge Denied: Problems in the Protection of Vietnamese and Cambodians in Thailand and the Admission of Indochinese Refugees into the United States* (New York: Lawyers Committee for Human Rights, 1989), p. 36.

[58] ibid., p. 37.

[59] Reynell, *Political Pawns*, p. 103.

[60] ibid., p. 85.

[61] ibid., p. 66.

one tin measure of rice per week from their general ration. Refugees stated that the food was taken for the military; in Greenhill and Site 2, soldiers visiting their families were provided with rice and fish during their stay, and in Site 2 each soldier was given two kilos of rice and two cans of fish when they returned to the front. A portion of food grown in the camps was also sent to the military camps.

All aid entering the border camps assisted the economy of the various factions either directly through the diversion of food and other relief items, taxation, theft and extortion, or indirectly through the provision of goods and services to the combatants which relieved faction leaders of this responsibility and permitted extra spending on military activities. In addition to feeding soldiers and their families and providing a location for 'rest and recreation', the camps' medical and training facilities performed valuable support functions for the military. From February to November 1986, for example, 121 of 187 patients applying for prostheses in the Site 8 workshop were soldiers. Such injuries did not render these combatants *hors de combat*; many were re-engaged as ammunition porters once fitted with a prosthesis.[62] Medical supplies were stolen from camp dispensaries for use by the military, and even sewing machines given to Greenhill camp were used to make clothing for the soldiers.[63] Graduates of medical training courses were also coopted by the military: CRS, for instance, lost 15 of 32 trained medics upon completion of their studies in Greenhill in 1986.[64] Thus the humanitarian aid program greatly contributed to the economy of war of the Cambodian resistance factions. This was not, however, the most important role of the humanitarian sanctuary, since financial and military aid was also forthcoming from China and the US, and could probably have been increased to cover the economic aspects of the guerrilla war, had it been necessary. The crucial functions that such military support could never have fulfilled, however, were the most useful aspects of the humanitarian sanctuary: the

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62 Filip Werbrouck, 'The Site 8 Artificial Limb Workshop: A Humanitarian or Military Programme? - A study of aid to a Khmer Rouge camp on the Thai-Kampuchean border', April 1987 as cited in Jackson, *Just Waiting to Die?*, p. 13.

63 *Information Bulletin* (n.p: FUNCINPEC/ANS, October 1986), p. 36 as cited in Jackson, *Just Waiting to Die?*, p. 14.

64 Catholic Relief Services letter to J. Lefevre, Deputy Director of UNBRO, 21 November, 1986, as cited in Jackson, *Just Waiting to Die?*, p. 13 and Reynell, *Political Pawns*, p. 66.

legitimacy that the presence of 250,000-300,000[65] refugees along the border bestowed upon the self-proclaimed 'government-in-exile', and the mechanisms with which to control the refugee population to ensure that such 'legitimacy' was retained.

2.3 Legitimacy

The presence of Cambodian refugees along the Thai-Cambodian border was crucial to the legitimacy of the resistance forces, particularly the Coalition Government after its formation in 1982. As mentioned earlier, the CGDK itself was formed in order to lend some legitimacy to the Khmer Rouge, and to create an image of unity among opponents of the Vietnamese-installed regime. An identifiable population under the authority of the CGDK promoted the image of a 'government-in-exile': as Yossi Shain writes of all self-proclaimed governments-in-exile, 'the support of their alleged constituencies may be the most critical factor in determining the validity of their claim and the attitude of foreign patrons toward their struggles'.[66] These claims to legitimacy in turn permitted the Cambodian seat at the UN to be passed from the Khmer Rouge, which had held it between 1979 and 1982 despite its human rights record and defeat, to the CGDK.

The way in which Western states dealt with the issue of the UN seat exemplifies the political compromises and trade-offs that permeated the entire response to the Cambodian crisis, and the lack of regard for the welfare of the Cambodian refugees. In September 1979, the UN Credentials Committee recommended to the General Assembly that the delegation of 'Democratic Kampuchea' be accepted as the recognised representative of Cambodia, and the recommendation was adopted by a vote of 71 to 35 with 34 abstentions. No Western bloc country voted against acceptance of these

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[65] A sample of the Thai-Cambodian Border population between 1979 and 1992 was as follows:

Year	Border camps	UNHCR Holding Centres	Total
1979	396,000	135,744	531,744
1980	164,201	147,059	311,260
1981	207,955	97,804	305,759
1984	240,966	41,619	282,585
1985	237,469	31,761	269,230
1988	300,716	17,152	317,868
1991	352,455	14,975	367,430
1992	112,506	6,816	119,322

Source: Robinson, *Double Vision*, p. 169, drawn from UNICEF, WFP, UNBRO, UNHCR sources.

[66] Yossi Shain, 'Introduction: Governments-in-Exile and the Age of Democratic Transitions', in Shain (ed.), *Governments-in-Exile in Contemporary World Politics*, pp. 1-17 at p. 5.

credentials, and only Austria, Finland, France, Ireland and Sweden abstained throughout the four years that the credentials were accepted. Hence until 1982 the Khmer Rouge held this seat, after which it was transferred to the CGDK, with the UN conveniently conceding that it was reprehensible for a genocidal regime to be the sole and legitimate representative of the Cambodian people.

The notion that the CGDK had any more legitimacy than the Khmer Rouge, however, was a farce. As Ramesh Thakur observed:

> The CGDK is a total misnomer: it is not a coalition (Pol Pot's Khmer Rouge is the real power); it is not a government, having neither people, territory nor other attributes of government; it is decidedly not democratic; and it is not in Kampuchea, being located rather on the Thai side of the border.[67]

Taking each point in turn: first, the Khmer Rouge held the dominant position in the coalition by virtue of its military strength and shrewd negotiation in drawing up the formal agreement. Khieu Samphan, one of Pol Pot's top officials, had insisted on the inclusion of a priority clause which stipulated that the sovereignty of Democratic Kampuchea be preserved in the event of a coalition split: 'in the event that an impasse has developed which renders the coalition government of Democratic Kampuchea inoperative... the current state of DK led by Mr. Khieu Samphan will have the right to resume its activities as the sole legal and legitimate state of Kampuchea.'[68] The important diplomatic post of Permanent Representative to the UN was also held by a Khmer Rouge nominee, Ambassador Thiounn Prasith, who had been a top aide in the Ministry of Foreign Affairs during the Khmer Rouge rule of Cambodia.[69] Second, the CGDK 'governed' only 300,000 of the 7 million Cambodian population, and exercised control over these people in camps surrounded by barbed wire and policed by Thai paramilitary forces. Had the refugees been given the possibility of transferring to a camp

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[67] Ramesh Thakur, 'The Afghan Road to Kampuchea?', *Asian Defence Journal*, August 1988, p. 58, as cited in William Maley, 'Regional Conflicts: Afghanistan and Cambodia', in Ramesh Thakur and Carlyle A. Thayer (eds.), *Reshaping Regional Relations: Asia-Pacific and the Former Soviet Union* (Boulder: Westview Press, 1993), pp. 183-200 at p. 197.

[68] See Colin Campbell, '3 Cambodian Groups Forming Coalition', *New York Times*, 21 June 1982 and Colin Campbell, '3 Cambodian Groups Form Exile Regime', *New York Times*, 23 June 1982 as cited in Etcheson, 'The Khmer Way of Exile', p. 106.

[69] Tony Jackson, 'How Pol Pot Dominates the Coalition Government of Democratic Kampuchea' (Oxford: Oxfam Staff Briefing Paper, 1988), p. 5.

in the interior of Thailand, moving to a neutral camp, or even repatriating to Cambodia the majority of them undoubtedly would have done so.[70]

Third, the CGDK held no territory in Cambodia, something which invalidated any claims to independent sovereign status, and was unable to maintain law and order in the border area, a role which the Thai Government fulfilled through placing the region under martial law. And fourth, the 'government' was dependent upon donors and aid organisations to feed the population it was supposed to represent. Thus the Cambodian population along the border was held hostage in order to create the fiction that there was a legitimate government representing an exiled state of citizens. As Josephine Reynell states, 'without this population, continued recognition of the CGDK as a government would be virtually impossible'.[71] UN member states opposed to the Vietnamese invasion of Cambodia did not need to vote in favour of the Khmer Rouge or CGDK to deprive Phnom Penh of recognition, they could have voted to leave the seat vacant.

The repercussions of this method of isolating Phnom Penh and its Vietnamese backers were felt not only by the Cambodians consigned to a decade of life in refugee camps along the border, but also by the inhabitants of Cambodia. The bestowal of the UN seat to the CGDK deprived Cambodia of all but 'humanitarian' assistance. UN development assistance was not permitted to flow to countries in which the de facto government was not the government formally recognised by the UN.[72] Furthermore, the UN imposed a trade embargo on the country and in early 1982 declared the emergency period over, forcing the withdrawal of UN development agencies and a drastic reduction in assistance to the country from Western bloc nations.[73] The Eastern bloc continued its support, but until the Vietnamese troop withdrawal in 1989, the government in Phnom Penh remained an international pariah and Cambodia remained one of the poorest countries in the world.

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[70] Approximately 200,000 Cambodians chose to return from the border to their homes in Cambodia in 1981 following economic improvements in Cambodia. Charlotte Benson, *The Changing Role of NGOs in the Provision of Relief and Rehabilitation Assistance: Case Study 2 - Cambodia/Thailand* (London: Working Paper 75, Overseas Development Institute, 1993), p. 17. Once the border camps moved permanently into Thailand, however, such a choice was no longer possible.

[71] Reynell, *Political Pawns*, p. 38.

[72] *Cambodian Humanitarian Assistance and the United Nations*, p. 16.

[73] See Mysliwiec, *Punishing the Poor*, pp. 73-74.

The legitimacy conferred on the resistance factions by the international relief effort was further exemplified by the unsuccessful attempt by UNICEF to transfer the responsibility for feeding the Khmer Rouge camps to another aid organisation. As discussed above, towards the end of April 1980, UNICEF began to share the doubts of ICRC regarding the implications of feeding the Khmer Rouge, and the Joint Mission announced that continuing to supply the armed elements in the camps would be in violation of the mandates of each organisation. The Joint Mission suggested that either WFP and the Thai army extend the distributions they were already making, or that an NGO assume such a role, as CRS and World Relief had proposed. The issue, however, became hotly contested as Thai officials insisted that they wanted the Joint Mission to continue, even threatening to forbid UNICEF and ICRC involvement in the rest of the border program if they did not proceed. Thai authorities were not content to allow WFP and the Thai army to accept full responsibility for feeding the Khmer Rouge camps since this could create the perception that Thailand was aiding the guerrilla forces. 'The Thais wanted an international organization specifically to distribute in these camps to lend credibility to the relief effort...[and they] ...preferred the Joint Mission's international reputation and status to that of the volags [voluntary agencies or NGOs]'.[74] US government officials were also in favour of the Joint Mission continuing supplies to Khmer Rouge camps as a way in which to give a neutral and respectable hue to such activities. 'We wanted ICRC and UNICEF to do the feeding because we did not want it to be a US effort', explained a State Department official in Washington.[75] After several months of negotiations and the first Vietnamese attack on the border camps, ICRC ceased its involvement in the food distributions, but UNICEF continued, insisting upon considerably reduced rations to the camp and distributions to women only. The Thai government agreed to this compromise since it still fulfilled the primary aim of having UNICEF's name associated with the feeding, and it was able to supplement the food distributed through the Thai army deliveries and the compliance of CRS and World Relief.

The humanitarian relief effort also inadvertently conferred legitimacy on individual Cambodian leaders and 'middle-managers' through their role in the management of the

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[74] Mason and Brown, *Rice, Rivalry and Politics*, p. 146 and p. 149.

[75] As cited in ibid., p. 159.

refugee camps and distribution systems. The camp presidents and heads of relief departments established to oversee the distribution of various goods tended to be from former middle class, educated backgrounds and able to speak French or English.[76] Many of these camp leaders cited customary expectations that leaders should be materially richer than the population to show their prowess as leaders, to justify keeping extra relief goods for themselves. 'The appropriations both emphasise and consolidate the status and power differentials between the two groups. This practice has a long tradition in Kampuchea and therefore provides a model of action for those now in authority.'[77] The offices of camp president or department head bestowed legitimacy and prowess on their incumbents, but it was the authority they held over the distribution of relief supplies which enabled these individuals to retain almost complete control over the refugee population.

2.4 Population Control

Retaining control over the lives of the Cambodian border population was crucial to the containment role of the refugee camps, and such control was maintained in a variety of ways. Externally, the imposition of martial law and the deployment of Thai Task Force 80 officers restricted the movement of refugees beyond the camps' perimeters, which were fenced with barbed wire.[78] The widely documented brutality of the Task Force 80 personnel dissuaded violations of camp regulations,[79] and served to quash any notions of permanent settlement in Thailand arising among the refugees.[80]

The proximity of military camps to the civilian camps added another physical element of external control over the population, although this was even more strongly institutionalised through the military appointment of all levels of civilian camp leadership. Reynell's study, in fact, found that in Site 8, Greenhill and Site 2, top officials in the civilian administration were also officials in the military hierarchy.[81]

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[76] Reynell, *Political Pawns*, p. 70.

[77] ibid.

[78] The only camp which was not surrounded by barbed wire was Greenhill, administered by Sihanouk's FUNCINPEC. See Jackson, *Just Waiting to Die?*, p. 9.

[79] Complaints about the behaviour of Task Force 80 personnel eventually lead to its replacement with a specially trained security force, the Displaced Persons' Protection Unit (DPPU) in August 1988. See *Refuge Denied*, pp. 55-58 for testimonies of Task Force brutality.

[80] Reynell, *Political Pawns*, p. 143.

[81] ibid., p. 65.

Camp presidents were generally appointed by a political-military elite living outside the camps who in turn appointed officials to head the various camp departments, such as health, education and security. These department heads chose their administrative team, the prerequisite for which was attendance and a certificate from one of the camps' political education schools, known as 'civic schools' or 'psychological warfare schools'.[82] The camp administrators also controlled the nomination of local staff to work with the aid organisations in the camps.[83] Hence conformity to the political ideology of the CGDK was entrenched through the administrative structure of the camps, and enforced through the control that loyal supporters exercised over the aid distribution system.

Giving refugees autonomy to undertake as many functions as possible in a refugee camp setting is a commonly held principle in refugee relief programs, and UNBRO and other aid agencies working in the camps delegated considerable responsibility to the refugees to run the camps and conduct distributions. Camp administrators were even given the responsibility of determining the quantity of rice each person was to receive when a direct system of distribution was introduced into Greenhill camp in 1986.[84] In addition, civilian police were selected by the refugee leadership to enforce camp rules and control internal security. However, these measures, while sound in theory, inadvertently assisted in institutionalising and legitimising the control of the CGDK-appointed personnel. Moreover, attempts to improve the day-to-day physical safety of the refugees, although important, were only cosmetic: the root of the problems lay in the very nature and *raison d'être* of the camps.

The aid structures in the refugee camps therefore assisted in establishing and maintaining control over the refugee population, through physically restricting refugee movements and through permitting the refugee leadership to hold authority over the food and non-food items necessary to sustain life, and the camp judicial system. These forms of control were supplemented by the use of fear, intimidation and violence against the refugee population, particularly in the Khmer Rouge camps as was discussed in the previous section. Executions of civilians and army deserters were reported from the

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82 ibid., p. 69. Also see Jackson, *Just Waiting to Die?*, p. 9 for a brief description of these schools.

83 Reynell, *Political Pawns*, p. 82, and Mason and Brown, *Rice, Rivalry and Politics*, pp. 61-62.

84 Reynell, *Political Pawns*, p. 75.

closed camps and in Site 8, the UN-assisted Khmer Rouge camp, infractions of the camp rules were punished with 're-education', gaol terms or 'disappearance'.[85] Forced population transfers from civilian camps to military camps were undertaken on numerous occasions: the Lawyers Committee for Human Rights estimated that by December 1988 some 15,000 Cambodians under Khmer Rouge control had been moved to closed camps near the border, where they were subjected to shelling.[86] Reports of many refugee casualties reached aid organisations, but access of aid officials to evacuate the wounded was denied by the Khmer Rouge leadership. ICRC had consistently requested medical access to Khmer Rouge camps to no avail, and only rarely received patients transferred to medical facilities in Khao I Dang holding centre. Invariably the patients were in such a critical state by the time they arrived that they died. The Khmer Rouge then used this as an excuse to forbid further transfers or access of aid organisations, attributing the deaths to Western medical techniques.[87]

Political intimidation was also common in the non-Khmer Rouge camps, with gaol terms and 'disappearances' inflicted upon refugees expressing views contrary to those of the leadership. Reynell reports that even complaints against camp conditions or expressions of concern for the future were construed as disloyal and were thus punishable.[88] Conscription also occurred in all the camps, but UNBRO managed to curb this to a certain extent in Site 2 by threatening to cut off food supplies to the camp. This tactic did not work in the Khmer Rouge camps, however: in order to pressure for greater access, UNBRO terminated the supply of aid to Huay Chan camp in May 1988. In response, the Khmer Rouge leadership dismantled the camp and moved the occupants to other Khmer Rouge camps in the region.[89]

The importance of controlling the refugee population to maintain the image of a support base for the factions was, as earlier discussed, crucial to the legitimacy of the CGDK. Such population control became equally, if not more, important, however, as prospects of a peace agreement and a Vietnamese troop withdrawal began to surface in 1988 as talks were initiated with Cambodia's Prime Minister, Hun Sen. The stakes had suddenly

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85 *Refuge Denied*, pp. 47-50.
86 ibid., p. 47.
87 ibid., p. 43.
88 Reynell, *Political Pawns*, p. 129.
89 *Refuge Denied*, p. 43.

altered from unity to competition among the factions, and the civilian populations constituted an important card in future political negotiations for power in Phnom Penh. Hence once again the refugees became a tool in the political process and many were moved towards 'repatriation camps' nearer the border in late 1988. The Khmer Rouge, with logistical support from the Thai army, virtually emptied many camps. The inhabitants were moved into 'liberated' zones of Cambodia to provide a foothold and base of support for the faction following the withdrawal of Vietnamese troops.[90] In a letter sent to the Thai newspaper *The Nation*, a Khmer Rouge official denied that the refugees were forcibly relocated, stating:

> whenever the National Army of Democratic Kampuchea succeeds in liberating wholly or partially any area of our territory which provides relative security, our people are bent on returning home. As Kampuchean citizens, this is not only their right but also their duty to participate in the war of liberation against the Vietnamese aggressors.[91]

Asia Watch reported that 20,000 people were moved into Cambodia by the various factions in the first three months of 1990,[92] and between 60,000 and 100,000 inhabitants of the Khmer Rouge 'hidden camps' were also thought to have crossed that year.[93] The forced repatriation generated concern among aid agencies: the lack of choice of the refugees was compounded by harsh conditions in Cambodia, and large numbers of refugees returned to the UN camps, many with malaria, malnutrition and land mine injuries. Moreover, the partitioning of the country among the factions was likely to lead to a continuation of the war. 'The resistance wants to populate the liberated areas with the refugees, not only to control the areas but also to keep their hold on these people', reported the head of ICRC in Thailand, Jean-Jacques Fresard. 'This seems to lead to a Lebanonization of Cambodia.'[94]

After effectively remaining silent over the preceding decade, the issue of repatriation galvanised aid organisations into campaigning for the formation of a neutral camp in Thailand or neutral reception centres inside Cambodia, through which refugees could be channelled to their region of choice. Although Thailand officially agreed to the

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90 Murray Hiebert, 'The Khmer Rouge regroups', *Far East Economic Review*, 1 December 1988, p. 34.

91 As cited in ibid.

92 *Violations of the Rules of War by the Khmer Rouge*, p. 3.

93 Peter Eng, 'Cambodian Refugees Continue to be Used as Pawns', *Associated Press*, 14 January, 1991.

94 As cited in ibid.

establishment of such a camp in March 1990, the factions opposed the idea as it was obviously not in their interests to 'neutralise' their populations. The US Government was also against the initiative, claiming that 'the closing of Site 2 would be a disaster' for the KPNLF. [95] In February 1991, a *coup d'état* in Thailand effectively ended Thai support for the establishment of neutral camps, and these did not eventuate.

The NGO solidarity which characterised the campaign for a neutral camp at the end of the 1980s was a significant reversal from the antagonisms which permeated the border relief operation and aid to the interior of Cambodia a decade earlier. The political environment had polarised the aid community, and the majority of aid organisations were forced to choose whether they would work along the border or inside Cambodia. The following section explores the way in which the aid organisations reacted to the Cambodian refugee crisis, the circumstances surrounding which effectively denied them any humanitarian space in which to operate.

3. THE RELIEF RESPONSE: THE HUMANITARIAN IMPASSE

Why was it only in the mid to late 1980s that aid agencies publicly lobbied for the creation of humanitarian space in the form of a neutral camp, when none of the parameters of such space had been present since the outset of the aid program, or inside Cambodia? Aid organisations were not permitted unhindered access to populations in need; were unable to assess independently the needs of vulnerable groups; were prevented from adequately controlling the distribution of relief supplies; and were accused of political bias by both sides of the conflict. Furthermore, aid agencies did not have sufficient security guarantees to work freely in the border region, to stay overnight in the refugee camps, or to travel to many regions inside Cambodia. The aid organisations reached an impasse: the only 'neutrality' possible in the provision of humanitarian assistance was ensuring that humanitarian aid benefited both sides equally. It was impossible to avoid contributing to the war effort. Given that it was the camps themselves and the aid which sustained them that compromised the safety of the refugees, why was there so little public condemnation of the system to which aid agencies were unwilling accomplices?

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[95] Steven Erlanger, 'Thai Wants Cambodia Refugees in Neutral Camps', *The New York Times*, 25 March, 1990, as cited in Niland, 'The Politics of Suffering', p. 146.

Several inter-related factors help to explain the reluctance of aid organisations to challenge openly the misuse of aid by all parties. First, geopolitical strategic and ideological interests dominated humanitarian concerns, restricting the room for aid organisations to manoeuvre vis-à-vis the host governments and the conditions they imposed. Compromise and silence were the conditions of access. Public protest risked expulsion. Second, humanitarian concerns, particularly the spectre of famine, became a propaganda tool for both sides of the conflict. Whatever statements the aid organisations made played into the discourse of either side. Moreover, public pressure driven by what Shawcross called a 'crisis of Western conscience'[96] forced the hand of organisations when negotiating for respect of humanitarian principles, and undermined the potential for solidarity within the aid community.

Superimposed on this environment were the positions and attitudes adopted by the aid organisations themselves. Unable for the most part to work on both sides or to ensure that aid did not benefit one side of the conflict, many agencies chose a party or side with which they would work. A 'culture of justification' developed as the polarised aid community sought to defend their choice, and critical analysis diminished. In the absence of an obvious alternative to the status quo, agencies turned a blind eye to the political repercussions of their actions and focused on the technical provision of aid. This enabled success to be measured in quantifiable terms, and helped divert attention from the potential consequences of continued provision of aid to the camps and the interior of Cambodia.

3.1 The Price of Access

The Thai Government and Western donors dictated the terms of the border aid program through imposing strict regulations and controlling the financial arrangements that underwrote the relief system. From the outset Thai authorities clearly showed that they would not tolerate criticism, no matter how diplomatic. The ICRC Head of Delegation in Bangkok, Francis Amar, was told to leave Thailand after he appealed to the Thai Government to halt the *refoulement* of some 42,000 Cambodians who were forced into mine-infested areas below Preah Vihear. Amar's statement, that the people were pushed back against their will and might either lose their lives or face the same situation which

[96] Shawcross, *The Quality of Mercy*, p. 195.

forced them to seek refuge in Thailand, was angrily dismissed by Prime Minister Kriangsak as Thailand's business, 'done to protect the national interest'.[97]

Thai authorities also proved that they had no compunction in stopping humanitarian activities if aid agencies did not comply with their wishes. The aforementioned threat issued to ICRC and UNICEF, of prohibiting their participation in the entire relief program unless they resumed feeding the Khmer Rouge, illustrates this point well. Thailand also used the withholding of humanitarian aid as a way of punishing the Vietnamese-backed regime in Cambodia, suspending authorisation of relief flights from Bangkok to Phnom Penh in response to the first offensive launched against the border refugee camps. Restrictions on the activities and statements of aid personnel were further enforced along the border through the imposition of martial law. Authorisation to enter the border area was only granted by the military wing of the Government.

The caution exhibited by aid organisations operating in Thailand was exemplified by UNHCR, which failed to honour its own mandate in order to avoid jeopardising its presence in the country. Responsible for hundreds of thousands of Indochinese refugees in a country which had not signed the 1951 Refugee Convention or 1967 Protocol, UNHCR relinquished its protection responsibilities for Cambodians along the border in favour of concentrating on resettlement opportunities for refugees in the holding centres away from the border. Some 200,000 Cambodian refugees were resettled in the West, but the price for this success was silence. UNHCR did not even protest against the *refoulement* at Preah Vihear which, at the time, was the largest single case of forced repatriation since the agency was founded in 1951. Dennis McNamara, former Head of the UNHCR Protection Unit in Geneva, later admitted that the lack of protest by UNHCR 'must be seen as one of the low points of its protection history.'[98] The absence of UNHCR along the border deprived the refugees of legal protection since UNBRO was not imbued with such responsibility.

The autonomy and independence of aid organisations were further suppressed through donor pressure. The purse strings of the border operation were firmly held by Western governments with an interest in sustaining the resistance movement through the

[97] *Bangkok Post*, June 12 1979 as cited in Robinson, *Double Vision*, pp. 55-56.

humanitarian relief effort. The US, in particular, had significant leverage over the Thai Government by virtue of its economic and military aid to Thailand, and had direct influence over the border relief program as the largest single donor, meeting about one third of the total cost.[99] Supporting the Khmer resistance movements through the aid program was an overt objective of the US Embassy in Bangkok,[100] and their funding commitments gave the US a strong say over where and how the money would be spent. The monopoly of US financial control was consolidated when UNBRO assumed coordination of the border program in early 1982, because, with the exception of Christian Outreach and Handicap International, between 90 and 100 percent of NGO programs were funded through UNBRO.[101] Itself dependent upon voluntary contributions from states, UNBRO was obliged to explain and justify its program and expenditure to donors in pledging meetings held twice or three times per year. This funding system and the requirement that NGOs obtain UNBRO permission to commence operations along the border effectively guaranteed that donor states retained full control of the aid operation. Aid agencies were reticent to challenge the hand that fed them. As Jackson remarked:

> Where the voluntary agencies have fallen down is... in serving as a voice for the people for whom they are working... the agencies have been effectively muzzled by their close association with UNBRO. Being almost totally dependent on it for funding appears to have made the agencies unwilling to look into the implications of their work.[102]

The regime in Phnom Penh was no less influential in determining the direction of the interior aid effort. Aware that aid to the border region nourished forces opposing Phnom Penh, the Heng Samrin regime made cessation of aid to the border a condition of operating inside Cambodia, to which only rare exceptions were granted.[103] Thus aid

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98 Dennis McNamara, 'The Politics of Humanitarianism: A Study of Some Aspects of the International Response to the Indochinese Refugee Influx (1975-1985)', unpublished manuscript, p. 47, Section V, p. 21 as cited in Robinson, *Double Vision*, p. 56.

99 Some $36 million per year was channelled to the border programs, of which the US met 33 percent, Japan met 28 percent, the EEC, 8 percent, and Australia 2 percent. See Reynell, *Political Pawns*, p. 57 and Jackson, *Just Waiting to Die?*, p. 1.

100 The US Embassy's stated objectives along the border were to feed and protect the Cambodian refugees, support the Khmer resistance movements, and resettle Cambodians in the US. See Mason and Brown, *Rice, Rivalry and Politics*, p. 101.

101 Benson, *The Changing Role of NGOs*, p. 32.

102 Jackson, *Just Waiting to Die?*, p. 21.

103 The Joint Mission of ICRC and UNICEF successfully negotiated a presence in both regions during the emergency period of 1979-81, due to the legitimacy their presence accorded to the regime in Phnom Penh. World Vision was also an exception during this period, which Benson suggests was due

agencies were forced to choose on which side they would work. A litany of other government controls followed. Agencies were required to submit detailed lists and schedules of relief supplies and were obliged to consign all relief to the government for distribution, thereby relinquishing control over where and to whom the aid would be distributed.[104] Western medical personnel were not permitted to work in the country for the first two years, and no personnel could obtain visas if the quantity of material destined for technical projects was deemed insufficient by the authorities. In fact, the number of visas issued to staff of aid organisations was directly proportional to the budgets of agencies. Hence UNICEF and World Vision with budgets of $5 million each could obtain about 12 visas, but agencies with small budgets were threatened with non-renewal of visas if their planned expenditure was not augmented.[105]

The Vietnamese determination to impose a compliant regime in Cambodia made all other issues subservient. Policies to consolidate the regime prioritised food distributions to the army and government bureaucrats over the general population, and the political indoctrination of the Cambodian people took precedence over technical training. Political education sessions interrupted the work of all Cambodians, with detrimental consequences for the rehabilitation of infrastructure and services. The priority given to strategic and ideological interests over humanitarian concerns was starkly illustrated by the decision to construct a bamboo wall along the western border of Cambodia, allegedly to prevent guerrilla incursions into the country and the exodus of people out. Commencing in early 1984 and codenamed, 'K5', the project engaged a fixed number of 'voluntary workers' from each province for 3-6 months to clear land in the malaria and mine-infested jungle. Exacerbated by lack of food and physical exhaustion, malaria was estimated to have killed 5 percent or 50,000 of the one million peasants who were forced to participate in the first two years.[106] Lacking any real strategic value, the project succeeded in keeping the population in a permanent state of mobilisation and under tight government control.

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to the large financial resources World Vision offered Cambodia, including a $3 million project to rehabilitate the paediatric hospital in Phnom Penh. After the emergency period and until 1987, only two NGOs, Handicap International and the Japan Volunteer Centre, were permitted to work in both places. See Benson, *The Changing Role of NGOs*, p. 87.

[104] See Shawcross, *The Quality of Mercy*, pp. 365-370 for a detailed discussion of the inability of aid agencies to monitor the distributions of relief.

[105] Esmeralda Luciolli, *Le Mur de Bambou: Le Cambodge après Pol Pot* (Paris: Éditions Régine Deforges, 1988), p. 280.

The price of humanitarian access to Cambodia was compromise and silence; the aid agencies rarely protested against the unacceptable conditions of operation,[107] and never mentioned human rights abuses or forced labour. In fact the only time they broke their silence was to issue a statement in favour of the regime in Phnom Penh. In April 1985, for example, a report appeared in the *Bangkok Post* detailing some of the forced labour involved in the construction of the bamboo wall, in which aid organisations were cited as the source of the information. In response, the UNICEF representative in Phnom Penh prepared a declaration for the newspaper on behalf of all agencies in Cambodia which was copied to the Cambodian Ministry of Foreign Affairs, denying the medical consequences of the 'agricultural clearance'. Only one NGO representative refused to sign the statement.[108]

Humanitarian principles were compromised along the border and inside Cambodia, and room for aid organisations to manoeuvre to claim humanitarian space was extremely limited. To complain about the imposed conditions risked expulsion from Thailand and Cambodia. Weighed against the dubious potential gains such complaints could achieve, most agencies judged that it was better to remain silent in order to continue to participate in the relief program. These limitations were compounded by the propaganda war in which the prospect of famine and the response to it were the major weapons.

3.2 The Crisis of Western Conscience

The use of famine as a propaganda tool by both sides of the conflict exacerbated many of the problems the aid agencies experienced in negotiating humanitarian access to Cambodia, and in publicising the true extent of the difficulties experienced in providing humanitarian assistance. After months of denying authorisation for aid organisations to conduct an assessment inside Cambodia, Phnom Penh permitted a short visit to Cambodia in July 1979, during which the administration proclaimed that a famine threatened the lives of two million Cambodians. Access to the rural areas was refused, but what the aid officials saw around Phnom Penh left them with little reason to

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[106] Luciolli, *Le Mur de Bambou*, p. 128.

[107] In 1979 and early 1980 ICRC and UNICEF did complain to the Phnom Penh authorities about food diversions, inadequate logistics and a lack of monitoring, but these complaints were rarely made public since they jeopardised funding for the Cambodia programs, which is discussed later in the chapter.

[108] Luciolli, *Le Mur de Bambou*, p. 296.

question the validity of the claim. They proposed to mount an immediate emergency response, but protracted negotiations with Phnom Penh over the conditions of operations slowed the process, with UNICEF and ICRC reluctant to accept the conditions imposed.

The media frenzy sparked by images of the aftermath of the Khmer Rouge regime, however, forced the hand of the aid agencies. By September 1979, increasingly dramatic analogies were being drawn between Pol Pot and Adolf Hitler, and stories of a Cambodian holocaust flashed around the world. The spectre of famine killing 'two million more before Christmas', was added to the fray, with the fundraising campaigns conducted by aid agencies propelling the imperative to 'do something'. 'If we don't act by Tuesday – come Friday they won't be starving – they'll be dead', declared a World Vision advertisement. The British Red Cross pictured an emaciated child with the caption, 'Some children in Kampuchea look like this... the rest are dead.'[109] Journalists like John Pilger added fuel to the fire, vehemently criticising the US for its lack of aid to Cambodia, claiming that the Vietnamese were placing no obstacles to the implementation of an aid program, and blaming the aid organisations for the slow response.[110] He added further pressure on UNICEF and ICRC by suggesting that the public donate to Oxfam rather than other agencies. Oxfam had recently entered Cambodia and accepted all the government demands including providing no aid to the border, an act which threatened to undermine the stance of UNICEF and ICRC. Before long the pressure of public opinion led to concessions by the Joint Mission and the Heng Samrin regime: the former relaxed their normal monitoring requirements and the latter softened insistence for ICRC and UNICEF to stop their operations along the border. According to Shawcross, 'there was no single moment in Phnom Penh in which such compromises were openly made and agreement was explicitly reached'.[111]

The issue of famine was then used by each side to attack the other. Having invited Western aid to Cambodia in July in order to alleviate famine, Phnom Penh claimed in late October that the problem had been solved: starvation had been averted through aid from socialist countries. Moreover the regime charged that fears of famine were a plot

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[109] Shawcross, *The Quality of Mercy*, p. 204.
[110] ibid., pp. 140-141.
[111] ibid., p. 161.

hatched to discredit the regime and to supply food and equipment to Pol Pot's forces. Aid personnel were granted access to rural areas of Cambodia in mid-November and indeed found no evidence of famine, only pockets of hunger. The US, its allies and Western journalists, however, refused to believe that this could be so, instead viewing the denial as part of a policy to orchestrate famine and eliminate internal resistance to Vietnamese rule. The Vietnamese obstruction of aid efforts then became the focus of attack, and donors became reluctant to provide more aid in the absence of monitoring reports. Thus the issue of famine had benefited Phnom Penh in attracting international agencies and the legitimacy they bestowed on the country. The famine also benefited the West which, through exploiting public guilt at having forsaken the Cambodian people during the Pol Pot years, could demonise the Vietnamese regime for allowing the population to suffer again, and justify its support to the opposition movement. As Rufin points out, 'our way of envisaging socialist countries oscillates constantly between an ironic criticism of their inefficiency, and suspicion that they can orchestrate diabolical plots in fine detail.'[112]

The polarisation of the aid issue left humanitarian organisations in a quandary. Although there was no famine, the needs of the population were still immense and the increasing reluctance of donors to provide funding jeopardised aid programs. Any public statements issued by aid organisations played into the hands of either side. An ICRC official, for example, lamented the problems of food distribution in Cambodia, and warned that the aid flow could not continue indefinitely unless distribution was improved. In response, a *New York Times* editorial stated that:

> whatever one calls it, the lack of food has killed many people, food remains in short supply, and Phnom Penh and Hanoi refuse to give full support to those most able to help... Phnom Penh, Hanoi and Moscow are making any civilized arrangement more difficult with their cynical tolerance of starvation when there is food at hand. They must be doing something very, very wrong when they drive professional feeders of the hungry to start talking about withholding food.[113]

The acrimonious context made it impossible to raise an honest and detached debate about the true extent of the humanitarian needs in Cambodia and the most appropriate

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[112] Jean-Christophe Rufin, *Le piège humanitaire* (Paris: Jean-Claude Lattés, 1986) p. 209.

[113] As cited in Shawcross, *The Quality of Mercy*, p. 216.

response to them. It was futile to appeal to donors or diplomatic parties to assist in negotiating conditions of operation.

3.3 Taking Sides

The ban imposed by Phnom Penh on agencies working along the border denied the possibility of asserting a neutral position in the conflict for all but the few agencies mentioned earlier which were granted exemption. Each aid organisation was forced to choose the side on which it would operate. Reflecting on the options available, Rony Brauman explained that 'the choice was... not between a political position and a neutral position, but between two political positions: one active and the other by default'.[114] Either aid organisations consciously determined which side or faction with which they would work or they assumed a political position by virtue of their presence.

The choice was not easy. Other Cold War contexts had contained identifiable 'good' and 'bad' sides: in Afghanistan, the disproportionate force used by the Soviet regime clearly delineated the 'victims' from the 'oppressors', and in Central America, 'victims' and 'oppressors' were defined according to right wing or left wing ideology. But in Cambodia, both sides contained 'oppressors'. The Khmer Rouge had annihilated part of the Cambodian population and espoused a radical socialist ideology. And the Vietnamese, although initially liberating the country, remained as an army of occupation. Instead of allowing people to choose their future path, communism had been imposed and brutal policies of forced labour and reform cast dark shadows over the regime for all but the staunchest communists and Vietnamese sympathisers.

In the absence of a clearly 'good' side, most aid agencies decided to assist the side to which they held least aversion, rather than the most affinity. There were some exceptions to this such as the *Comité d'aide sanitaire à la population cambodgienne*, a French NGO run by communist doctors. Its support of the regime in Cambodia extended to screening potential organisations and personnel offering assistance to Cambodia and backing Phnom Penh's claims that no medical personnel, only equipment, was needed

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[114] Rony Brauman, 'Refugees Camps, Population Transfers, and NGOs', in Jonathan Moore (ed.), *Hard Choices: Moral Dilemmas in Humanitarian Intervention* (Oxford: Rowman and Littlefield, 1998), pp. 177-193 at p. 181.

in Cambodia.[115] But for most agencies, support was based on either a strong aversion to communism and Vietnamese expansionism, or to the Khmer Rouge. The 'crisis of Western conscience' played a role on each side. Oxfam, for example, readily agreed to provide no aid to the border in order to assist Cambodians who were neglected by the West throughout the Pol Pot years. Oxfam and ICRC officials believed that an even more important contribution than humanitarian aid 'lay simply in being in Cambodia, considerate ambassadors from the world against which the Khmer Rouge had raised the barricades, a testament to some form of humanitarian victory over foul revolution and impoverished diplomacy.'[116] Aid organisations like CRS and the International Rescue Committee (IRC), by contrast, were strongly anti-communist and looked towards the 'boat people' fleeing Vietnam to dispel doubts about the threat of Vietnamese tyranny.

A few aid agencies such as *Médecins sans Frontières* (MSF) held a strong aversion to both the Khmer Rouge and the Vietnamese regime in Phnom Penh. MSF withdrew support from the Khmer Rouge camps as soon as the emergency period subsided, and restricted their assistance to the non-Khmer Rouge refugee camps.[117] MSF also refused to work inside Cambodia following a visit there in 1979, judging that aid was not reaching the civilian population, but remained in the hands of the government. Furthermore, MSF refused to submit to the system of payment for access to Cambodia and to the obligatory accompaniment of a government officials when assessing the needs of the population. In one of the only public advocacy campaigns undertaken by aid organisations during the Cambodian crisis, MSF, *Action Internationale Contre la Faim* (AICF) and IRC organised a 'March for the Survival of Cambodia' along the Thai-Cambodian border in 1980. Although fairly successful in publicising the lack of access to the Cambodian population, the march added to the propaganda war of political powers and further polarised the aid community.

Other agencies like CRS and World Relief also openly assumed a political position, having little compunction in offering to replace UNICEF and ICRC in supporting Khmer Rouge camps. For other agencies, however, a mixture of naivety and the 'culture

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[115] See Rufin, *Le piège humanitaire*, p. 216. Of 450 doctors in Cambodia in 1975, only 45 remained after 1979.

[116] Shawcross, *The Quality of Mercy*, p. 379.

[117] See Claude Malhuret, *Les réfugiés d'Asie du sud-est en Thaïlande (1975-1980)* (Paris: Médecins sans Frontières, 1980), pp. 20-21 for elaboration of MSF's position.

of justification' helped to sustain their positions. Shawcross comments on the naivety and ignorance he encountered when talking with some aid workers who had no idea of the history of the Khmer Rouge and the atrocities they committed.[118] The 'well-organised' nature of Khmer Rouge camps impressed many aid personnel and was in contrast to the rather chaotic nature of non-Khmer Rouge camps. Other aid workers believed that the contact permitted with the Khmer Rouge through the relief effort would 'tame' individuals and change their behaviour. 'To a certain extent', Niland suggests, 'this perspective became both motivation and rationale to work alongside the Khmer Rouge however disquieting their record or disturbing their practices.'[119] Most aid personnel also adopted sanitised language to diminish the discomfort caused by the obvious misuse of aid. The Khmer Rouge feeding program was referred to as 'feeding in the south', stealing was called 'leakage', and soldiers who arrived for treatment at medical clinics were referred to as 'people from outside the camp'.[120]

Concentrating on the technical aspects of aid delivery was another way in which aid organisations pushed aside the dilemmas inherent in working in the Cambodian crisis. The provision of aid along the border was a large operation and logistically challenging. By narrowing the operational focus to satisfying the physical needs of the refugee population, aid organisations could deem the program a success. This attitude is epitomised in the foreword to *Rice, Rivalry and Politics*, one of the earliest books to expose the stark dilemmas confronting the aid organisations in the Cambodian refugee camps. By placing the absence of famine and starvation as the benchmarks for success, Rudy von Bernuth, at that time the Director of CARE Bangladesh, dismisses the political arena as 'mundane' and therefore inconsequential.

> In the face of the often conflicting and sometimes petty interests they describe, perhaps one must conclude that the miracle of the Cambodian refugee operation was that the success of the whole somehow transcended the sum of its parts... Brown and Mason are fortunate enough to write about an effort which accomplished its fundamental objectives of averting famine and starvation. If by the end of 1980 the dimension of human tragedy that captured the world's attention in 1979 has been replaced by a return to mundane coldwar [sic] political rivalries, this transition was a tribute to the collective efforts and

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118 Shawcross, *The Quality of Mercy*, pp. 308-309.

119 Niland, 'The Politics of Suffering', p. 110.

120 Mason and Brown, *Rice, Rivalry and Politics*, pp. 60-61 and Niland, 'The Politics of Suffering', p. 101.

> policies of the relief community which Mason and Brown so effectively analyze.[121]

Agencies working inside Cambodia also used technical successes to justify the continued provision of humanitarian assistance after the emergency period of 1979-1981. They dismissed the conditions of work and constant surveillance as 'details' and rarely acknowledged the difficulties of operating in the country.[122] The 'culture of justification' was exacerbated by the need to convince donors to continue support to programs in Cambodia when funding was jeopardised by the propaganda surrounding the issue of famine. In contrast to the public acknowledgment of difficulties made by ICRC, Oxfam withheld information about the absence of famine, and issued statements in support of the honesty and dedication of officials in the Heng Samrin regime.[123] The standards and mandates to which aid organisations usually adhered were also relaxed in Cambodia to avoid jeopardising their status in Phnom Penh. Organisations usually professing support to 'grass roots organisations' and 'proximity to the victims' found themselves working exclusively with members of the government from their offices in hotels reserved for foreigners. Cambodians were forbidden to speak to the 'imperialist spies' and aid organisations allocated finance to construction projects with little human dimension. The truth was suppressed or altered, even in reports appearing a decade later. Benson, for example, cites a 1990 UNDP report which characterised the relationship with the Heng Samrin regime as 'open and collaborative' during the emergency period, and Benson adds that 'the Cambodian government controlled the relief efforts centrally, but was relatively flexible, accepting all offers of assistance'.[124]

Luciolli, who worked in Cambodia from 1984-1986, however, suggests that it was precisely the limitations placed on the number of aid organisations permitted in Cambodia that exacerbated the NGO compromises and undermined the solidarity among agencies.[125] A queue of organisations had requested permission to work in Cambodia, but the ceiling imposed meant that one had to leave before another was permitted to enter. The bargaining power of aid organisation was curtailed under such

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[121] Rudy von Bernuth, 'Foreword', in Mason and Brown, *Rice, Rivalry and Politics*, p. xv.

[122] Luciolli, *Le Mur de Bambou*, p. 262.

[123] Shawcross, *The Quality of Mercy*, pp. 215-216.

[124] *NGO Assistance to Cambodia, 1979-90: Lessons for the United Nations Development System* (New York: Report of a United Nations Development Mission to Cambodia, United Nations Development Programme, 1990), in Benson, *The Changing Role of NGOs*, p. 74.

[125] See Luciolli, *Le Mur de Bambou*, pp. 263-266.

conditions and one agency was unlikely to back another with the risk of expulsion so close at hand. Luciolli cites the experience of the Swiss Red Cross to illustrate this point. After working in the hospital in Kampong Cham since 1981, the team was expelled in 1985 after one of the surgeons asked a Vietnamese military officer who was smoking to leave the operating theatre. Subjected to a trial, the team was accused of being an enemy of the people and CIA agents and was told to leave. The issue was allegedly not even discussed in the scheduled coordination meeting of the agencies in Cambodia, but was dismissed as an affair of the Swiss team.

The lack of solidarity within the aid community, the justification of inappropriate policies and regulations, and the sanitised hue given to operations in Cambodia and along the border all undermined the capacity of the aid community to improve the conditions under which aid was provided, and to ensure accountability to intended beneficiaries. Rather than fighting to claim humanitarian space, and trying to remain as independent as possible of the political agendas steering the aid program, the aid organisations became part of the conflict and contributed to the arsenal of either side. The dominance of Cold War political stakes and the use of humanitarian concerns for propaganda purposes limited the extent to which aid organisations could influence the course of the aid program. But the acquiescence in the status quo and the excuses provided by aid agencies for accepting the unacceptable also contributed markedly to the absence of efforts to address the real needs of the refugee and internal Cambodian populations.

CONCLUSION

Humanitarian aid played an integral role in a vicious circle which enveloped the Cambodian refugee program in Thailand. Cambodian refugees fled to the Thai border in search of sustenance and protection, but in the ubiquitous political environment, the provision of the former compromised the latter. The camp structures became mechanisms with which to control the refugees, the presence of whom was crucial to the existence and legitimacy of the Coalition Government. The formation of this government-in-exile and the presence of its forces in turn jeopardised the physical safety of the refugees, subjecting them to attack from Vietnamese troops in Cambodia and the Khmer Rouge coalition partner. Hence humanitarian action sustained the refugees

whose presence sustained the CGDK, whose activities against the Cambodian regime provoked attacks against the camps which housed the refugees.

The negative consequences of humanitarian aid in the Cambodian crisis were unintended by aid organisations, but were deliberately orchestrated by the host and donor governments. The absence of humanitarian space in the Cambodian refugee camps rendered apolitical humanitarian assistance impossible; to be present was to contribute to the political objectives of the border relief operation. Similarly in Cambodia, it rapidly became apparent that humanitarian aid destined for the survivors of the Khmer Rouge regime would assist in sustaining the Vietnamese-installed government in power. Aid agencies were caught between the duty to meet the needs of the refugees and interior Cambodian population, and the repercussions of strengthening both sides of the conflict. A combination of public pressure and the burden of Western conscience drove many agencies to work in Cambodia or along the border at any cost. The Cambodian crisis begged the question: at what point should aid organisations refuse to accept the unacceptable? Professing to alleviate suffering, they were at best ineffective, and at worst, accomplices in a situation which led to greater suffering for the populations held hostage along the border and subjected to human rights abuses.

Aid organisations were aware of the dilemmas the circumstances provoked. There was a flow of reports from advocacy and human rights groups illuminating the problems and recommending various improvements, such as moving the camps away from the border.[126] Operational agencies also engaged in advocacy on specific issues, such as proposed cuts in aid budgets; human rights abuses, particularly the forced population movements of the Khmer Rouge; the lack of access to the hidden border camps; and the Khmer Rouge occupancy of the Cambodian seat at the UN.[127] However, no unified approach to the broader issues was tackled until the issue of a neutral camp arose in response to repatriation concerns. NGOs operating in Cambodia were also vocal, even forming an NGO Forum on Kampuchea in 1986, based in Brussels. Their advocacy, however, was also less about obtaining humanitarian space in their operations than challenging the international isolation of Cambodia.

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[126] See, for example, *Cambodians in Thailand: People on the Edge* (Washington: United States Committee for Refugees, 1985), p. 20.

[127] See Benson, *The Changing Role of NGOs*, pp. 64-65.

The humanitarian aid organisations faced many obstacles to more concerted attempts to improve the plight of the refugees. They were limited in the extent to which they could criticise host government policies or influence the overall structure of the camps. They were largely left with the choice of complying with the conditions imposed or not participating in the relief program. A few agencies made moral or political decisions to prevent aid from flowing to the Khmer Rouge or Vietnamese-backed government. The participation of the Khmer Rouge in the coalition, however, made association with the faction only one step removed: the difference was only whether aid directly or indirectly assisted their resuscitation. Had the CGDK won a military victory against the Vietnamese forces, Professor Sukhumbhand Paribatra, former Director of Security Studies Program at Chulalongkorn University, was convinced that the post-war government would have been dominated by the Khmer Rouge, in spite of Western assurances that they opposed a Khmer Rouge return to power.

> Despite the much-touted improvements made by the non-communists, the facts are clear: while the Khmer People's National Liberation Front (KPNLF) has considerable assets in terms of its population base and a number of troops but little or no unity or political will, the Armee Nationale Sihanoukiste (ANS) seems to have both the unity and the will, but not the numbers, and the Khmer Rouge remain by a long way the most coherent, organised, determined, well-armed and numerous of the three factions.[128]

Twenty years after the beginning of the refugee influx into Thailand, the last remnants of the Khmer Rouge are finally emerging from the jungles. Humanitarian aid, ostensibly given to people in need because they are members of a shared humanity, helped to revive and sustain a military force which showed the least regard for humanity. Aid organisations incur responsibilities to the beneficiaries of their assistance when they choose to intervene in a crisis. Just as their presence can confer legitimacy on regimes or authorities so it imparts a sense of solidarity with the 'victims' and an element of trust. Operating through administrative structures which controlled and dominated the refugee population violated that trust. The refugees were deprived of their rights as asylum seekers and suffered human rights abuses on a regular basis. The aid organisations were indirect accomplices in this system, but through their acquiescence in the status quo and

[128] Sukhumbhand Paribatra, *Kampuchea Without Delusion* (Malaysia: Institute of Strategic and International Studies, 1986), p. 14 as cited in Jackson, *Just Waiting to Die?*, p. 19. Paribatra currently holds the post of Deputy Foreign Minister in Thailand.

their acceptance of funds from donors implicated in the abuse of the refugee population, aid organisations were partly responsible for its continuation.

CHAPTER 5

THE RWANDAN REFUGEE CAMPS IN ZAIRE

Fifteen years after the first Cambodian peasants were marched across the Thai border by the Khmer Rouge, the same scenario was replayed with different actors on a different continent. In a small country in central Africa, the governing regime ordered the annihilation of a segment of the population, and was ousted from power by an invading force. To evade defeat, the regime directed the exodus of two million of its compatriots to neighbouring countries and settled among them, evading justice and rearming for future conflict. The analogy with the Khmer Rouge was immediately drawn: 'Hurry to Prevent a Cambodian Epilogue in Rwanda' was the title of an article contributed to the *International Herald Tribune* by Alain Destexhe.[1] Yet for all the prior warning, and live media coverage of the genocide and refugee exodus, the refugee camps became sanctuaries for another genocidal regime.

This chapter examines the Rwandan refugee crisis which was provoked by genocide and civil war in Rwanda. The genocide, which claimed between 500,000 and 800,000 lives in less than 100 days, was orchestrated by hardline Hutu in the Rwandan Government intent on preventing the implementation of a power-sharing agreement with the minority Tutsi ethnic group. A planned campaign of extermination of anyone perceived to support the Tutsi-dominated Rwandan Patriotic Front (RPF) commenced on 6 April 1994 and ended with the defeat of the Government by the RPF, three months later.[2] State directives drove the slaughter of Tutsi, and state directives encouraged the Hutu population to flee the country when the Rwandan Government Forces (*Forces Armées Rwandaises* – FAR) faced imminent defeat. Two million Hutu sought asylum in Zaire, Tanzania and Burundi until the majority was forced to return to Rwanda in late 1996.[3]

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1 Alain Destexhe, 'Hurry to Prevent a Cambodian Epilogue in Rwanda', *International Herald Tribune*, 11 August 1994, p. 6.

2 The three most comprehensive studies of the Rwandan genocide are *Rwanda: Death, Despair and Defiance* (London: Africa Rights, revised 1995 edition); Gérard Prunier, *The Rwanda Crisis 1959-1994: History of a Genocide* (London: Hurst & Company, 1995); and *Leave None to Tell the Story: Genocide in Rwanda* (NY: Human Rights Watch, 1999).

3 Refugee statistics from May 1995 when repatriation had effectively ground to a halt were: 722,000 around Goma, 302,000 around Bukavu and 41,000 near Uvira in Zaire; 166,000 around Karagwe and 437,000 around Ngara in Tanzania; and 231,000 in Burundi. See UNHCR, *The State of the World's Refugees 1995: In Search of Solutions* (Oxford: Oxford University Press, 1995), p. 33.

Each paradox of humanitarian action was manifest in the Rwandan refugee camps in Zaire, and hence this chapter demonstrates the magnitude of the failure of the aid community to learn from past experience. Humanitarian action permitted the defeated government and army to regroup, gain strength, and maintain control over the refugee population to dissuade their return to Rwanda. The camps facilitated the protection of these individuals through their presence among refugees and provided a pool of recruits and a 'captive' population to mobilise for a continuation of the civil war and genocide. Aid nourished the combatants and became a tool of control in the camps. Members of the former Rwandan government proclaimed the formation of a government-in-exile in Zaire, and the military forces (ex-FAR) conducted armed incursions into Rwanda.

The guerrilla activities undertaken by the ex-FAR from their bases in eastern Zaire became a source of destabilisation in the region in general, and in Rwanda in particular. Attacks launched against genocide survivors, witnesses to the genocide, and local Rwandan officials hardened the attitudes of the Rwandan Government, and provoked harsh reprisals by members of the Rwandan Patriotic Army (RPA) against suspected sympathisers of the Hutu rebels. These reprisals then fed the propaganda of the refugee camp leadership, assisting in the campaign to prevent the repatriation of the refugees. A vicious circle developed: the presence of the refugees facilitated the military activities of the rebels, which in turn generated retributions from the RPA. The violence fed the refugees' fear of returning to Rwanda, and hence they remained at the service of the ex-FAR and government, permitting the launch of further offensives.

The most striking feature of the Rwandan case is that the misuse of humanitarian action was not orchestrated by, or in the interest of, donor governments, yet more effectively assisted the combatants than any of the previous cases. Free of the dominant political stakes of the Cold War period, the Rwandan refugee crisis was not manipulated or driven by external powers for strategic or ideological supremacy. In fact, the international response to the Rwandan crisis was characterised by the inverse: the lack of strategic importance of the region minimised external interference. Hence the Rwandan case study sheds some new light on why the paradoxes of aid persist when, for the first time, this was not in the interests of donor nations or the vast majority of aid organisations working in the camps.

This case also illustrates the potential gravity of the consequences of militarised refugee camps for the refugees sheltered therein. In the absence of international action to remove military elements from the camps, the RPA, in coalition with rebels from the *Alliance des Forces Démocratique pour la Libération* (Alliance of Democratic Forces for Liberation - AFDL) opposed to President Mobutu of Zaire, attacked and destroyed the refugee camps between October and December 1996. The majority of the refugees were forced back to Rwanda, but hundreds of thousands fled west into the interior of Zaire where they were hunted down by AFDL and RPA combatants, deemed 'legitimate' targets through their association with the ex-FAR and militias who propelled them west. Tens of thousands died or disappeared. Despite recognition of the role of the refugee camps in the Rwandan conflict, and numerous overt threats to disband the camps made by the Rwandan Vice-President and Minister of Defence, Paul Kagame, little was done to stop violation of the civilian character of the refugee camps. The system established to protect the refugees ultimately endangered them. How and why this occurred is the subject of this chapter.

Part One contextualises the importance of humanitarian aid to the former Rwandan government and army by examining the use of Zairean territory as a military sanctuary. Millions of dollars worth of assets were taken from Rwanda by the retreating army, and banks were looted, providing a considerable source of revenue to the exiled forces from the outset. The military fled with much of their arsenal, and received arms shipments while in exile.

Part Two illustrates, however, that the presence of the refugees and the humanitarian aid that they attracted were the most important sources of support for the defeated government and army.

Part Three explores the various attitudes of the aid organisations vis-à-vis the dilemma they faced operating in the camps. The knowledge that aid was strengthening a clique responsible for genocide was weighed against the 'humanitarian imperative' to provide aid to anyone in need. Many organisations considered withdrawing their support from the camps and some did. Others decided to stay to fight to minimise the abuse of aid from the inside. Although debate about the negative consequences of aid was more engaged and widespread than in previous refugee contexts, some organisations seemed

oblivious to ethical considerations, and a small minority even sympathised with the radical 'Hutu cause'. Although less polarised than in Cambodia or Central America, the opinions of individual aid workers tended to be shaped by the populations with whom they were working. Many appeared unaware of the context and the events which precipitated the refugee crisis.

1. ZAIRE AS A MILITARY SANCTUARY

Zairean authorities played a pivotal role in facilitating the rearming and training of the ex-FAR and militias in Zaire. The host nation provided the ex-FAR with the territorial base on which the army could reorganise; permitted the army and government officials free movement; and ignored international calls for the arrest of war criminals. The ex-FAR established military bases, and Zaire became a conduit for weapons and supplies to the force. Furthermore, the ex-FAR was able to create a highly organised military structure while in exile in Zaire, and launched frequent attacks on Rwandan officials and infrastructure. Documents found in the camps after they were attacked in late 1996 provide a rare insight into the way in which the former army and government reorganised after their defeat, and how humanitarian aid became integrated into their planning and operations.[4]

The Rwandan army fled into Zaire virtually intact, having faced a rapid defeat at the hands of the RPF. As soon as the genocide began, signalled by the shooting down of President Juvénal Habyarimana's plane on 6 April 1994, the RPF began their offensive from the demilitarised zone in the north of the country, and from Kigali where a 600-strong battalion was stationed under the Arusha Accords.[5] The RPF rapidly gained territory against the larger and better-equipped army, taking control of Kigali on 4 July. The report of a meeting of the High Command of the ex-FAR held in Goma, Zaire in

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[4] As mentioned in the Introduction, I am grateful to Sam Kiley of the London *Times*, Massimo Alberizzi of the Italian newspaper *Corriere Della Sera*, Christian Jennings of Reuters and Chris Tomlinson of Associated Press for these documents. The documents were left behind after the ex-FAR fled the rebel attack against the Goma camps in late 1996. Many of them were contained in a filing cabinet belonging to Major-General Augustin Bizimungu, Chief-of-Staff of the ex-FAR. Documents from this source will hereafter be marked with the letters (c.d).

[5] The Arusha Accords were the peace and power-sharing agreements between the Rwandan Government and the RPF, signed on the 4 August 1993. The Accords included, *inter alia*, provision for the integration of the RPF into the Rwandan Government Forces.

early September 1994,[6] blamed a combination of external and internal factors for the defeat. Externally, the ex-FAR accused the United Nations Assistance Mission for Rwanda (UNAMIR) of complicity with the RPF; implicated Uganda, Belgium, the United States (US) and Burundi in the RPF victory; and cited the sudden abandonment by France as their principal and only reliable military partner. In addition, the report laments the failure of the Rwandan regime to organise 'parallel supply circuits to by-pass the [arms] embargo'[7] which the UN Security Council had imposed on the Rwandan Government in Resolution 918 of 17 May 1994. Internal factors stressed the lack of unity between the politicians and the military; poor training, management and planning; power struggles within the military after 6 April 1994; an erosion of discipline at all levels; and the presence of RPF allies at the heart of government and in the FAR.

President Mobutu's close alliance with Habyarimana ensured a secure sanctuary for the defeated army and government officials in Zaire.[8] They arrived *en masse* with hundreds of thousands of Hutu civilians, encouraged and sometimes forced to leave with the retreating troops. Crossing the border into North Kivu in mid-July 1994, senior officials initially resided in tourist hotels along Lake Kivu, before becoming better organised and regrouping militarily. 'Regroupment is our number one priority' proclaimed the Chief-of-Staff, General Augustin Bizimungu in an interview with *Le Monde* in late July.[9] Senior officers in Goma moved to 'the Bananeraie' near Lac Vert refugee camp, while the soldiers lived in the large refugee camps, particularly Mugunga (see Map 6). In South Kivu, where the exodus to Zaire was slightly later due to the protection provided by the French *Opération turquoise*, the military were organised into two principal camps, Panzi for those accompanied by families, and Bulonge for single men. Another military camp was based on Idjwi Island in Lake Kivu.

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6 'Rapport de la Réunion du Haut Commandement des Forces Armées Rwandaises et des Membres des Commissions tenue à Goma du 02 au 08 Septembre 1994' (Goma: mimeo, 1994), pp. 32-33.

7 'Rapport de la Réunion', p. 32.

8 Mobutu deployed several hundred members of his *Division Spéciale Présidentielle* to Rwanda in October 1990 in response to an RPF invasion from Uganda.

9 Jean-Baptiste Naudet, 'L'ex-armée gouvernementale entre les mains du Zaire', *Le Monde*, 27 July 1994, p. 6.

Map 6: The Rwandan Refugee Camps in the Great Lakes Region

Source: UNHCR, as modified by author. Camp names included only for populations over 10,000.

The armed forces restructured in the first few months in exile, fusing with the National Gendarmerie under a single authority, called the 'Rwandan Armed Forces Command'.[10] This was initially placed under the auspices of the Minister of Defence, Colonel Athanase Gasake. Four commissions were established: Social Affairs; Information and Documentation; Planning and Operations; and Capital and Finance. The meeting of the High Command held in September 1994 also mentions a fifth commission, 'Politics and External Relations'. The armed forces were consolidated into 2 divisions: the first containing 7,680 men and the second 10,240 men. Separate support units were also established, which consisted of an additional 4,000 men, to make a total of approximately 22,000 soldiers.[11] This figure is slightly lower than most external estimates of troop strength, which suggested that between 30,000 and 50,000 ex-FAR resided in Zaire.[12] The military documents offer little clarification on the number of

[10] Major-Général Augustin Bizimungu, 'Restructuration des Forces Armées Rwandaises' (n.p.: mimeo, n.d.) (c.d).

[11] Gratien Kabiligi, 'Projet: Libération du Rwanda' (n.p.: mimeo, n.d.) (c.d).

[12] A UNHCR report concerned with security in the camps (*Refugee Camp Security in the Great Lakes Region*. Geneva: EVAL/01/97, Inspection and Evaluation Service, UNHCR, April 1997, p. 9) estimated that 30,000 of the 40,000 Rwandan Armed Forces fled to Zaire, and numbered the

Interahamwe and *Impuzamagambi* militia[13] living in the camps, the estimates for which vary between 10,000 and 50,000.[14] References to the militias in the military documents are limited to complaints about the liability caused by their lack of discipline, and a decision to forbid their presence in the military camps unless they underwent proper military training.[15]

The self-proclaimed government-in-exile also restructured following a meeting of the political parties held in Bukavu on 2 and 3 September 1994, and reduced the number of ministries to seven. Théodore Sindikubwabo and Jean Kambanda remained as President and Prime Minister respectively, and Callixte Kalimanzira, formerly of the Interior Ministry, became Minister of Social Affairs and Refugees.[16]

The ex-FAR and former government had considerable financial and military resources at their disposal: cash and assets requisitioned from Rwanda before they retreated; private and government foreign bank accounts; and arms sold by states willing to breach the UN arms embargo. All movable assets were requisitioned by the army or senior officials during their retreat to Zaire and the banks, in which Tutsi accounts were frozen at the beginning of the genocide, were emptied of cash. Gérard Prunier estimates that

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Interahamwe militias at 10,000-15,000. The estimate provided in the Joint Evaluation of Emergency Assistance to Rwanda was '30,000 government soldiers, militia members, local officials and former national leaders'. (Howard Adelman and Astri Suhrke, 'Early Warning and Conflict Management', Study 2 in David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience*, Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996, p. 58). Following an interview with the former governor of the Central Bank, Prunier suggested that 50,000 militia were active during the genocide, a figure that he said matched the strength of the regular army (*The Rwanda Crisis*, p. 243), although how many of them crossed into Zaire is unclear. Reed estimated that the combined ex-FAR and militias in Zaire numbered 50,000 (Wm. Cyrus Reed, *Refugees and Rebels: The Former Government of Rwanda and the ADFL Movement in Eastern Zaire*. Washington: US Committee for Refugees, 1997, p. 7). A UN Secretary-General's report to the Security Council estimated that 50,000 ex-FAR and their dependents resided in Zaire, and at least 10,000 militia members. (*Report of the Secretary-General on Security in the Rwandese Refugee Camps*. S/1994/1308, 18 November 1994, p. 3).

13 The militia known as the *Interahamwe* (those who work together) was created in 1992 as the 'youth movement' of the ruling party of Habyarimana, the *Mouvement révolutionnaire national pour le développement et la démocratie* (MRND). The *Impuzamagambi* (those who have the same goal) was the militia of MRND's coalition partner, the *Coalition pour la défense de la République*. These militias were among the main perpetrators of the genocide. Prunier, *The Rwanda Crisis*, pp. 367-368.

14 See footnote 12.

15 'Rapport de la Réunion', p. 20.

16 The other 'portfolios' were filled as follows: Joseph Kalinganire was Minister of Information; Jérôme Bicamumpaka remained Minister of Foreign Affairs and Cooperation; Stanislas Mbonampeka who had been Minister of Justice before the genocide was reinstated; Innocent Habamenshi was Minister of Capital and Equipment; Frédéric Kayogora was Minister of Mobilisation and Youth, and Athanase Gasake was Minister of Defence. This list was published in *Amizero – L'Espoir*, No. 0, 7-14 November 1994, pp. 9-10, as summarised in ASBL Dialogue (ed.), *Revue de la Presse Rwandaise*

some $30-40 million worth of local currency (Rwandan francs) and another $30-40 million of foreign currency was taken into Zaire.[17] In addition to cash, hundreds of vehicles, buses, trucks and machinery worth millions of dollars left Rwanda. 'We have money, we left Rwanda with everything except the houses', claimed Colonel Anselme Nkuliyekubona.[18] Not all of this cash and property remained at the disposal of the government or military, however: the sale of state property for individual profit was so prevalent that it became the target of the notorious extremist publication *Kangura*.[19] The paper stated that goods sold for personal profit included 610 trucks, 1,380 cars, coffee to the value of $300,000, minerals, and property from the country's biggest oil company, Petro-Rwanda.[20] It also accused the former director of a tea enterprise of the theft of $520,000; the former Defence Minister, Augustin Bizimana of the theft of $640,000; and the former Minister of Public Works of the misappropriation of $1,000,000 and 13 trucks from the ministry.[21] Nevertheless, many assets did remain at the disposal of the ex-FAR for military use and to earn revenue from the refugees and aid organisations, which will be discussed further in the next section.

The ex-FAR also managed to enter Zaire with considerable quantities of military hardware. Although the Zairean authorities confiscated many weapons at the border, personnel from Human Rights Watch Arms Project testified that these were kept in military bases near Goma, and were maintained by ex-FAR soldiers.[22] One inventory of Rwandan military hardware in the possession of the Zairean army listed six helicopters, over 1,000 artillery pieces, some 35,000 light weapons, and several armoured vehicles.[23] Amnesty International reported that some weapons were sold back to the ex-FAR.[24] Certain pieces of equipment, such as the helicopters, were useless in the absence of

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(Brussels: as contained in a CD Rom produced by the International Documentation Network on the Great African Lakes Region, Geneva, No. 5, 1998, Vol. 1).

17 Personal communication, 5 May 1999.

18 Naudet, 'L'ex-armée gouvernementale entre les mains du Zaire'.

19 For a description of the role of *Kangura* as the 'mouthpiece of the most fanatical of extremists' since its establishment in 1990, see *Rwanda: Death, Despair and Defiance*, pp. 70-75.

20 'Quels sont les politiciens qui se sont montrés cupides depuis notre exil?', *Kangura*, No. 62, 1-15 November 1994, p. 14, as summarised in ASBL Dialogue, *Revue de la Presse Rwandaise*.

21 'Gens recherchés pour vol', *Kangura*, No. 65, 1 January 1995, p. 11 as summarised in ABSL Dialogue, *Revue de la Presse Rwandaise*.

22 *Rwanda/Zaire. Rearming with Impunity: International Support for the Perpetrators of the Rwandan Genocide* (New York: Vol. 7, No. 4, Human Rights Watch Arms Project, May 1995), p. 12.

23 'Situation Armement Remis aux FAZ' (n.p.: mimeo, n.d.) (c.d).

24 *Rwanda: Arming the Perpetrators of the Genocide* (London: AFR 02/14/95, Amnesty International, June 1995), p. 2 and p. 4.

spare parts and maintenance, and some equipment including three of the helicopters was reported to have been returned to Kigali by the Zairean Government in February and April 1996 (Appendix 1).[25] But these supplies were augmented by new shipments of arms to the camps which were either directly facilitated by Zaire or tacitly permitted entry to Zairean territory.

Rumours of arms flights landing at Goma airport at night resounded in the aid community and the press. Proof of such flights, however, was more difficult to obtain, as a report of the UN Commission of Inquiry established to investigate breaches of the arms embargo attests.[26] The inquiry, which investigated allegations made by Human Rights Watch Arms Project, Amnesty International, television documentaries[27] and the press, did manage to verify two of the arms shipments cited which were sold by the Government of the Seychelles to Colonel Théoneste Bagosora, in the belief that the purchase was on behalf of the Zairean Government. The two shipments, which landed in Goma in mid-June 1994, contained AK-47 rifles, mortar shells, and ammunition, and were flown on Air Zaire aircraft.[28] The cost of the two shipments was $330,000.

Invoices and air waybills found in the camps also document the arrival of weapons in Goma. Many of these arrived before the imposition of the UN arms embargo on 17 May 1994, but after the genocide had commenced, while at least two showed shipments after the embargo had been imposed. Most of the invoices were from a British firm, Mil-Tec Corporation, which operates from the Isle of Man. Addressed to the Minister of Defence in Bukavu, Zaire, one statement of invoices and payments shows eight flights between 18 April 1994 and 18 July 1994 at a cost of $6,515,313. Payments made were shown to total $4,807,000, indicating an outstanding balance of $1,708,313. A letter dated 7 December 1994 requests payment of the outstanding balance, stating that funds paid for the last flight of 18 July had been blocked in Cairo by the US Government 'due to the situation in Rwanda at that time'. The letter reminds the Minister of Defence of the

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25 'Armement Dont Dispose le FPR' (n.p.: mimeo, 26 September 1996) (c.d).

26 *Report of the International Commission of Inquiry (Rwanda)*. Annex to *Letter dated 13 March 1996 from the Secretary-General addressed to the President of the Security Council* (S/1996/195, 14 March 1996). The UN Security Council established the International Commission of Inquiry in UN Resolution 1013 of 7 September 1995.

27 *Rwanda/Zaire. Rearming with Impunity*; *Rwanda: Arming the Perpetrators of the Genocide*; The Big Story, Twenty-Twenty Television, 17 November 1994; and 'Merchants of Death' Carlton Television, 13 June 1995.

28 *Report of the International Commission of Inquiry (Rwanda)*, p. 15.

service rendered by Mil-Tec over the past five years, particularly the rapidity of the response to the Minister's urgent request for arms on 10 April 1994 (Appendix 2). A waybill dated 18 May 1994 indicates that Mil-Tec shipped arms from Tirana, Albania to Goma on Okada Air, and the accompanying invoice lists the cargo as 2,500 AK-47 rifles; 10,000 30-round magazines with 2,500 vests with magazine and grenade pouches; 2,000 60mm mortars; 255,360 rounds of 7.62 x 39 ammunition; six 155mm mortars and 102 RPG7 rockets. The total cost of the cargo, freight, handling and insurance was $1,074,549. Another invoice dated 13 July lists ammunition and RPG7 rockets as cargo, with a destination of Kinshasa. Since this invoice was in the possession of the ex-FAR, it can reasonably be assumed that the shipment was destined for the former Rwandan army. Recording Kinshasa as the destination reduced suspicions that the arms shipments were circumventing the UN embargo.

Other allegations of arms deliveries to Goma implicate South African, Israeli, Albanian, and Chinese officials. The wife of Habyarimana, Agathe Kanziga and her brother, Séraphim Rwabukumba, for example, allegedly purchased $5 million worth of rifles and grenade launchers while on a trip to China in October 1994.[29] The French Government was also deeply implicated in supporting the FAR.[30] In addition to the well documented military assistance given to Rwanda before and during the genocide,[31] troops deployed for *Opération turquoise* facilitated the protection and retreat of the army and interim government from the 'safe humanitarian zone' in the southwest of Rwanda. French Lieutenant-Colonel Jean-Claude Perruchot acknowledged that the Rwandan interim President, Théodore Sindikubwabo and three of his ministers were present in the safe zone.[32] The French Government issued contradictory statements about its intentions to arrest those responsible for genocide, but ultimately French authorities deemed this

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[29] 'Bears Guard Honey', *Africa Confidential*, No. 288 (20 February 1995) as cited in Rwanda/Zaire. *Rearming with Impunity*, p. 15.

[30] Some of the accusations levied at the French Government by Human Rights Watch Arms Project, however, seem to have a tenuous factual base. Claims made of French involvement in arms deliveries to Goma and in training the ex-FAR at French military bases in the Central African Republic were investigated by renowned *Libération* journalist Stephen Smith who challenged the evidence on which the allegations were based. ('Livraisons d'armes au Rwanda: retour sur un rapport contestable', *Libération*, 31 July 1995, p. 8). He found that the primary source of the information, Mr Jean-Claude Urbano, was inaccurately described as a French Government official. Urbano also denies making the statements attributed to him. Furthermore, Smith could find no evidence of Rwandan soldiers trained in French military bases in the Central African Republic.

[31] See Prunier, *The Rwanda Crisis*, pp. 100-114, pp. 227-311 and pp. 336-345; *Leave None to Tell the Story*, pp. 116-125 and 654-668; and Jean-François Bayart and Gustave Massiah, 'La France au Rwanda: Entretien', *Les Temps Modernes* 583 (July-August 1995): 217-227.

beyond their mandate. 'Our mandate does not authorize us to arrest them on our own authority. Such a task could undermine our neutrality, the best guarantee of our effectiveness', the French Foreign Ministry declared on 16 July.[33] On 17 July the French military 'initiated and organized' the evacuation of the interim government to Zaire.[34] Human Rights Watch documented reports of the French refuelling army trucks loaded with looted goods, and delivering ten tonnes of food to the army in Goma on 21 July.[35]

The hard currency required to purchase weapons came from embassy and private bank accounts abroad in addition to the looted Rwandan banks and sale of stolen property. Prunier claims that Rwabukumba had control of bank accounts in Belgium containing approximately $50 million dollars.[36] Delays by some foreign governments in recognising the new regime in Kigali also permitted the former government to continue to draw on embassy accounts for up to 10 months after the government's demise. In Kenya, Holland, Tanzania, Egypt and Zaire, diplomats of the former regime continued to occupy diplomatic property, and removed all assets before they left.[37] The former regime also sought to recoup any funds remaining on Defence Ministry contracts which had not been fulfilled. A report of the *Commission du Partimoine Finances et Accroissement des Ressources* (Commission for Capital, Finance and Resource Growth) listed several million dollars worth of deposits and payments made for contracts that were never fulfilled. These included a deposit of $1 million with a company named OMI in Nairobi for which no delivery had been received, and half of a $4.6 million contract with a Monsieur Lemonier which was suspended due to the imposition of the arms embargo. A $4.5 million dollar contract with a private South African arms dealer was also unfulfilled, and $1.7 million was to be reimbursed from Captain Barril since *Opération turquoise* reportedly restricted Barril's ability to fulfil his training contract to the FAR.[38]

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32 'Rwandan Officials Escape to Safe Zone', *International Herald Tribune*, 16-17 July 1994, p. 5.

33 Assemblée Nationale, Mission d'information commune, *Enquête sur la tragédie rwandaise (1990-1994)*, Tome I, Rapport, p. 325 as cited in *Leave None to Tell the Story*, p. 686.

34 Patrick de Saint-Exupéry, 'Rwanda: les 'trous noirs' d'une enquête', *Le Figaro*, 17 December 1998, as cited in *Leave None to Tell the Story*, p. 687.

35 *Leave None to Tell the Story*, p. 688. Also see Adelman and Suhrke, 'Early Warning and Conflict Management,' pp. 54-57 for a discussion of the ambiguous nature of *Opération turquoise*.

36 Prunier, personal communication, 5 May 1999.

37 Reed, *Refugees and Rebels*, p. 7 and *Rwanda/Zaire. Rearming with Impunity*, p. 4.

38 Human Rights Watch also mentions Captain Paul Barril's contract with the Rwandan Ministry of Defence to conduct training at Bigogwe military camp in the northwest of Rwanda. See *None Left to Tell the Story*, p. 665-668. Barril and his private security company, 'Secrets, Inc.' is also discussed by Prunier, *The Rwanda Crisis*, footnote 4, p. 128 and pp. 216-219.

The report mentions that debts with regular arms suppliers had to be settled before new orders could be placed, and also emphasises the need to unblock funds still held in the Rwandan National Bank before the new Rwandan regime could claim them. Whether or not the government was successful in recovering any of these funds is unclear.

The $30-40 million dollars worth of Rwandan francs taken to Zaire was used to conduct a profitable smuggling operation between Kigali and Goma, where the exchange rates to the US dollar were 200 and 700 respectively.[39] This prompted Kigali to issue new tender of the 500, 1000 and 5000 Rwandan Franc notes in January 1995 to invalidate this source of revenue for the former regime. The ex-FAR was also able to pay its soldiers in Zaire from this fund and to reward the loyalty of infiltrators and 'partisans' inside Rwanda. The budget for a military operation into Rwanda, for instance, mentions the payment of daily allowances in Rwandan francs: 500 Frw per soldier; 500 Frw per guide; 2,500 Frw per partisan; and 10,000 Frw per '*agent passeur*' (smuggler or courrier).[40] The operation was aimed at 'sowing maximum insecurity' in the western regions of Rwanda. Targets suggested in the plan included: bridges on principal roads; power lines; small units of RPA soldiers from which military equipment could be seized; lightly defended detention centres; political leaders and RPA personnel; populated communities (*colonies de peuplement*); and town water supplies in Gisenye, Ruhengeri and Kibuye. Mention was also made of urban terrorism, and the document states that 'for propaganda purposes, the accent should be put on influential persons such as business people, teachers and health personnel'.

The cross-border raids into Rwanda, which commenced soon after the exodus to Zaire, served several purposes. First, the creation of a climate of insecurity in Rwanda helped to dissuade the refugees from returning home. The attacks added weight to the constant discourse of the military leaders that they would reinvade Rwanda and reclaim power by force. The specific targeting of returnees such as Dr Anatole Bucyendore, a Hutu regional medical officer who returned to Gisenye from Goma and was shot dead in February 1995, increased the reluctance of refugees to return.[41] Second, the guerrilla attacks provoked harsh reprisals by the RPA against civilian populations suspected of

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[39] Gérard Prunier, *Rwanda: Update to End of March 1995* (UK: Writenet, May 1995), p. 3.

[40] Annex 2, 'Plan Ops 1 Div' and Annex 3, 'Plan Ops 2 Div' of an unknown document (c.d).

[41] See *Rwanda: Arming the Perpetrators of the Genocide*, p. 5.

sympathising with Hutu rebels. These reprisals renewed fears in the Hutu population of arbitrary justice and victimisation, and damaged the image of the RPA and the Rwandan Government internationally. Third, the continuing costs associated with the destruction of property placed an additional burden on the Kigali government. The financial problems imposed by the looting of the country, and the long delays experienced by Kigali in accessing international sources of finance, were exacerbated by the further destruction caused by these acts of sabotage. Fourth, by showing that the war was not over between the RPA and the ex-FAR, the latter hoped to generate pressure on Kigali to negotiate with the former regime. And fifth, cattle looted and equipment seized in Rwanda helped to maintain the strength of the forces in Zaire.

The target of guerrilla incursions during 1996 increasingly became genocide survivors and witnesses to the genocide, presumably to eliminate potential sources of testimony in national genocide trials which began later that year. The UN Human Rights Field Operation in Rwanda (HRFOR) reported that at least 98 cases of attack against genocide survivors or witnesses were reported between January and June 1996, 85 of which resulted in death.[42] Evidence collected suggested that members of the ex-FAR perpetrated 90 of these 98 cases. Many of the victims' names allegedly appeared on death lists, indicating the organised nature of the killings. In one example, a group of 40-50 infiltrators from Idjwi Island in Lake Kivu attacked a small village in the south of Kibuye *Préfecture* on the night of 18 June 1996. Between 10-12 genocide survivors and their relatives were killed.[43]

The guerrilla strategies and tactics employed in the raids into Rwanda constituted a major part of the training curriculum of the ex-FAR in Zaire. Being largely unaccustomed to fighting in this way, numerous courses were held for all echelons of the military. Training manuals covering subjects like leadership, the history of guerrilla warfare, Rwanda's military history, and propaganda were found among Bizimungu's papers. One course conducted in early 1996 for the police in Kibumba camp included sessions on: guerrilla – *maquis*; special operations and military tradition; clandestine life and survival techniques; individual and section tactics; ideology; raids, ambushes and

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[42] *Attacks on Genocide Survivors and Witnesses to the Genocide Update* (Kigali: HRFOR/STRPT/20/2/5 July 1996/E, UN Human Rights Field Operation in Rwanda, 5 July 1996), p. 1.

[43] ibid., p. 3.

infiltration; and orientation, map reading and communication. In a letter on official Rwandan Defence Ministry letterhead from Colonel Tharcisse Renzaho to the FAR command, Renzaho discussed the organisation of a military course to be held at Katale and Mugunga refugee camps (Appendix 3). He requested that 200 exercise books be made available, and food and accommodation at Bulengo between 22 and 30 October 1995. He also requested use of a minibus to facilitate travel.

More important than technical training, however, was the promulgation of propaganda designed to ensure the continued loyalty of soldiers and the general population to the extremist agenda. The importance of adhering to a common discourse was clearly expressed by the Commission for Information and Documentation in the meeting of the High Command in September 1994, and plans were made to reinstate Radio Rwanda and *Radio-télévision libre des mille collines* (RTLM), and to establish a printing house to 'facilitate the birth of favourable newspapers in the region'.[44] The propaganda produced by the military and former government was shrewdly adapted to specific audiences and events, yet constantly reiterated a central theme: that the Hutu were the victims of the Rwandan crisis. This victim discourse subscribed to the following logic. The Hutu have always been oppressed by the Tutsi, but suffered increased atrocities at the hands of the Tutsi since the RPF invasion of 1 October 1990. The Hutu are demonised by the propaganda of the RPF and the partiality of the UN, international media, and certain states, which falsely claim that they perpetrated a genocide against the Tutsi. As the majority, the Hutu should be in power, but the RPF refuses to negotiate with the Hutu, wanting to retain complete power in Rwanda. The insecurity in Rwanda and the reluctance of the refugees to return is evidence of the brutal oppression and lack of legitimacy of the new government. The political stalemate leaves the former government, army and the refugees with no other option than to return to Rwanda by force.

A document titled 'Our Liberation Struggle' provides a good illustration of the 'victim discourse' and the denial of culpability by the former army:

> All Hutu people, whether in the interior or in exile, are demonised. They are held globally responsible for the misfortune which they did not cause or provoke in the least. 'The genocide' has become a commercial fund for the

[44] 'Rapport de la Réunion', p. 24.

> RPF which uses it as a pretext for refusing dialogue between Rwandans aimed at definitively resolving the ethnic conflict which has ravaged Rwanda since 01 October 1990.[45]

Claims of genocide against the Hutu were an important component of this 'victim' discourse. In a letter to the Zairean Ministry of Defence, Gratien Kabiligi, second in command of the ex-FAR, claimed that the killings perpetrated by the RPA in Rwanda constituted proof of the continuing genocide of the Hutu by the Tutsi.

> The hypothesis according to which the RPF kill the Hutu 'in revenge' is simply unacceptable by the principles of human rights, and fallacious since this extremist Tutsi organisation has selectively massacred Hutu since October 1990... The massacre of these Hutu constitutes one of the elements (among others) which shows that the Tutsi army aimed and planned the reduction, or even methodical elimination of Hutu populations in the region, and that it is, as a consequence, responsible for the genocide.[46]

The propaganda was generally based on actual events or issues discussed in the media, with the interpretation manipulated to fit the extremist agenda. Widespread criticism of the failure of the UN forces to stop the genocide in Rwanda, for example, was repeated in the camp literature, but with the emphasis changed to the failure of UNAMIR to halt the RPF invasion. Events like the massacre of internally displaced Hutu at Kibeho in April 1995 fed into the existing propaganda of Tutsi repression of the Hutu, and the failure of the UN troops present to stop the massacre again 'proved' the partiality of the UN force. Accusations of UN partiality were not restricted to internal consumption; Augustin Bizimungu also blamed the international community for the former government's defeat in an interview with the French newspaper *Le Figaro*.[47] By adhering closely to real events reported by human rights organisations and the international media, the leadership in Zaire appeared reliable and justified in their calls for the Rwandan population to remain 'in exile'. New recruits were also encouraged by slogans exaggerating many of the real problems of justice in Rwanda such as:

> A Hutu kills a Tutsi = Genocide! We hang him
> A Tutsi kills some Hutu = Legitimate Defence Reflex[48]

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[45] 'Notre Lutte de Libération', Annex 6 of unknown document (n.p.: mimeo, n.d.), p. 1 (c.d).

[46] Letter from Gratien Kabiligi to the Defence Minister of Zaire, 'Memorandum Relatif au Drame Rwandais' (Goma, 25 June 1995), p. 5 (c.d).

[47] Patrick de Saint-Exupéry, 'Jamais nous ne baisserons les bras', *Le Figaro*, 28 July 1994, p. 2.

[48] 'Le FPR Se Confirme Comme un Front Tribaliste Anti-Hutu' (n.p.: mimeo, n.d.), p. 3 (c.d).

In denying the genocide and blaming the RPF for violating the peace agreement by invading Rwanda, the former government and military sought to justify a return to the power-sharing agreements made under the Arusha Accords. The Commission of Politics and Exterior Relations considered that:

> the path of negotiations is the least costly, the most simple and the fastest way to facilitate the return of the Rwandan population to their country and that it is necessary, by consequence, to encourage all initiatives to support direct negotiations between the RPF and the government-in-exile. The base of negotiations should be the Arusha Peace Accords. The Commission thinks that all possible means should be used to apply pressure on the RPF to accept to negotiate (interior sabotage, the media, the deployment of emissaries to foreign countries, etc).[49]

Thus the Commission recommended that the military remain subordinate to the former government's authority since it was a party to the Arusha Accords and, 'in spite of everything, remained credible and popular with the population'.[50] However, the military expressed serious misgivings about the loss of the government's international legitimacy and absence of official recognition as the 'government-in-exile', and recommended that the military form a politico-military structure of its own in case the government-in-exile proved a failure. By early 1995, this premonition threatened to become a reality as Kigali refused categorically to engage in dialogue with the former regime. This refusal helped the propaganda cause, 'justifying' the call for a return to Rwanda by force, which, as mentioned above, kept the military mobilised and the refugees in constant fear of returning. But on the political front, the deadlock necessitated a new strategy and the establishment of a more 'legitimate' negotiating partner for the RPF. In April 1995 *Le Rassemblement pour le Retour et la Démocratie au Rwanda* (Rally for the Return and Democracy in Rwanda - RDR) was formed, the legitimacy for which derived, as the name suggests, from the refugees. Having failed to regain international support, the military sought to dissociate itself from the tarnished image of the former government and looked to the most important resource the defeated regime had at its disposal - the population. The limits of the military sanctuary provided by Zaire were reached; it was

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[49] 'Rapport de la Réunion', p. 9. The UN Secretary-General's report of 18 November 1994 (S/1994/1308, p. 4) noted that some of the demands made by the political and military leaders in discussions with UNAMIR included negotiations with the new Government; involvement of the UN in facilitating negotiations with the new Government; revival of acceptable elements of the Arusha Accords; power-sharing; the establishment of an international tribunal to address massacres committed since 1990; and the organisation of early elections, and guarantees of security and the return of property in Rwanda.

in the humanitarian domain that the conditions necessary to mount a return to Rwanda were sought. The Military High Command issued a declaration published in *Kangura* in May, stating that the relationship between the FAR and the government-in-exile ceased on 29 April 1995,[51] and threw its weight behind the RDR.

In summary, during two and a half years in Zaire the defeated government and military pursued parallel strategies on the diplomatic and military front to regain power in Rwanda. The compliance of Zairean authorities permitted the rearming and training of the ex-FAR, and the pursuit of a policy to destabilise Rwanda through conducting cross-border guerrilla attacks. But while there were several indications that the military became increasingly organised in Zaire between 1994 and 1996,[52] it is unlikely that the ex-FAR had the capacity to realise its numerous threats of a full-scale invasion of Rwanda. Evidence of the ex-FAR's military inferiority via-à-vis the RPA was provided in late 1996 when they were chased from the refugee camps and military bases in eastern Zaire by the Alliance forces. Their organisation on paper and in the minds of international observers was not matched by realities on the ground. But the perception of an imminent invasion sowed fear in the minds of the refugees and aimed to complement diplomatic attempts to bring Kigali to the negotiating table. Prunier suggests, furthermore, that the new Rwandan Government also exaggerated the level of military preparedness of the ex-FAR in order to legitimise its future actions against the camps by convincing international public opinion that the ex-FAR constituted a formidable threat.[53] Rather than a military solution, the ex-FAR and former government depended upon a diplomatic solution, based primarily on the return of the two million refugees under their control. It was the Rwandan population and the humanitarian aid they attracted that constituted the most important resource at the hands of the former regime.

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50 'Rapport de la Réunion', p. 5.

51 'Déclaration du Haut Commandement des FAR réuni à Bukavu les 28 et 29 avril 1995', *Kangura*, No. 70, May 1995, pp. 8-9 as summarised in ABSL Dialogue, *Revue de la Presse Rwandaise*.

52 In addition to suggestions contained in the ex-FAR's own documents, international observers noticed a greater professionalism by the military. In an internal memo dated 12 July 1996, the Head of sub-office of UNHCR in Goma, Joël Boutroue, remarked that the activities of the ex-FAR had become less numerous but were of better quality: more targeted and focused, and more destabilising. He also noted that improvement in military organisation had led to a decreased number of soldiers in the refugee camps. Memo from J. Boutroue to A. Akodjenou, 'Re: E-mail from J.van Drunen of 12 July', 12 July 1996 .

53 Prunier, personal communication, 5 May 1999.

2. ZAIRE AS A HUMANITARIAN SANCTUARY

As indicated earlier, media images, first of genocide, and later of hundreds of thousands of people streaming across Rwanda's borders, were beamed into lounge-rooms across the globe. While hand-wringing and denial were the hallmarks of the international response to the genocide, the massive population exodus and looming public health catastrophe galvanised the major powers into action. But the action was of a humanitarian rather than political nature, and in spite of widespread knowledge of the composition of the population flow, the focus for the next two years remained on the provision of humanitarian assistance. Echoes and warnings from the past were to no avail. Within days of the exodus, Prunier predicted that if the former leaders retained their power in the camps they would divert aid supplies, deter the refugees from returning, and conduct military operations into Rwanda, thereby sprouting 'the roots of the next crisis'.[54] Destexhe cautioned that 'in no circumstances should the humanitarian agencies use the former administration of Rwanda to help them channel distributions of aid'.[55] The warnings went unheeded: ignorance could not be blamed for the predicament that ensued.

This section begins with a brief discussion of the population exodus into Zaire and the nature of the international response to this outflow. It then examines the diverse strategies employed by the former regime to control the refugee population, and the regime's attempts to gain legitimacy by 'representing' the refugees. The protection and revenue that the camp structures provided to the *génocidaires* and army are then discussed.

2.1 The Population Exodus and International Response

The exodus of two million Rwandans to neighbouring territories was not, for the most part, a spontaneous flight propelled by fear as in most refugee contexts, but was a deliberately orchestrated evacuation of the population incited by the Rwandan state apparatus. As the RPF advanced throughout the country, whole villages and *communes* were ordered on to the roads to escape the atrocities that years of cyclic violence and

[54] Gérard Prunier, 'Rwanda: La Crise Rwandaise: structures et deroulement' (UK: Writenet, July 1994), also reprinted in *Refugee Survey Quarterly* 13, Nos. 2 and 3 (1994): 13-46 cited in *Refugee Camp Security in the Great Lakes Region*, pp. 19-20.

propaganda had taught them to expect. The instigators of the genocide had sought to inculpate the entire Hutu population in the killing; leaving few with clean hands minimised the risk of finger pointing and accusations once the extermination was complete. Thus hundreds of thousands participated in the massacres, tens of thousands due to hatred, or for financial gain, and the rest reluctantly, from fear, or because they were ordered to do so. The entrenched system of bureaucracy and administrative hierarchies were used with devastating effect to command those accustomed to being mobilised by the political system into action 'for the common good'. The army, national police and all levels of government administration ordered the people to 'work' and distributed weapons which they referred to as 'tools'. When the same system ordered the population to flee, hundreds of thousands of them obeyed.

The first massive exodus occurred into the Ngara district of Tanzania in late April 1994 when approximately 170,000 Rwandans crossed in one 24-hour period. Thousands more crossed in the ensuing months and were settled in several camps, the largest of which was Benaco. The main exodus into Zaire was even more rapid; between 500,000 and 800,000 Rwandans crossed into North Kivu between 14 and 17 July 1994.[56] The scale of the influx overwhelmed the capacity of aid organisations to respond adequately, and the lack of sanitation facilities and presence of large polluted water sources provoked an epidemic of cholera and dysentery. The epidemics killed at least 50,000 refugees in the month after their arrival, constituting between 6 and 10 percent of the total population.[57]

The public health disaster provided UN member states with the perfect ingredients to elicit a large-scale response by the 'international community': a dramatic, well publicised show of human suffering in which the enemy was a virus and the saviour was humanitarian aid. Paralysed during the political crisis, military forces were suddenly mobilised for the 'humanitarian' disaster, transforming the genocide into a 'complex emergency' in which there was no good or bad side, only victims. The US Government, which warned its officials to avoid using the word genocide due to the moral obligations

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55 Destexhe, 'Hurry to Prevent a Cambodian Epilogue'.

56 Initial population estimates were as high as 1.2 million, but by early August cluster-sample surveys, mapping exercises and aerial photographs suggested lower numbers. Goma Epidemiological Group, 'Public health impact of Rwandan refugee crisis: what happened in Goma, Zaire, in July, 1994?', *The Lancet* 345 (February 1995): 339-344 at p. 340.

57 Goma Epidemiological Group, 'Public health impact of Rwandan refugee crisis', p. 342.

the term invokes,[58] did nothing to halt the bloodshed in Rwanda but deployed a 3,000 strong military force to Goma to fight the ravages of cholera. 'The United States is determined to lead a worldwide humanitarian response, working with the United Nations to mobilize the international community', declared the head of the US Agency for International Development (USAID), Brian Atwood.[59] 'The U.S. government response so far has been massive, aggressive, and immediate as possible ...ours is the only response that could have handled this problem.'[60] A more modest contribution from the US three months earlier could have saved hundreds of thousands of lives.[61]

Characterising the genocide and its aftermath as 'chaos', the obvious remedy was 'humanitarian assistance' and 'stability'. Atwood asserted that 'the United Nations must be on the front lines in the war against chaos... the desperate people in Goma, make no mistake about it, are the victims of this chaos ...we simply can not let the cancer of chaos spread.'[62] Thus he called upon the international community to join the US as 'it develops the machinery for effective crisis prevention'. Adding insult to injury, Atwood called upon the new Rwandan Government to 'embrace the call for meaningful power-sharing',[63] and ensure that war criminals are 'tried under a fair judicial process', while

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58 The State Department and the National Security Council issued instructions to Administration spokespersons to say that 'acts of genocide have occurred'. The *New York Times* reported: 'American officials say that so stark a label [as genocide] could inflame public calls for action the Administration is unwilling to take... without oil or other resources as a rationale, the case for intervention would have to be based on whether ending the killing is worth the cost in American lives and dollars'. Douglas Jehl, 'Officials Told to Avoid Calling Rwanda Killings "Genocide"', *New York Times*, 10 June 1994, p. A8. Secretary of State Warren Christopher defined responsibility for stopping the genocide in strictly legal terms: 'The international community as a whole has a general obligation to do what they can to avoid genocide, but it does not impose on the United States or any other country a specific obligation to go into that country and to prevent the genocide, either by the use of force, or otherwise.' Elaine Sciolino, 'Secretary Reframes U.S. Obligation in Rwanda', *International Herald Tribune*, 23/24 July 1994, p. 4.

59 J. Brian Atwood, 'Relief Immediately, Then Crisis Prevention Quickly', *International Herald Tribune*, 25 July 1994, p. 4.

60 J. Brian Atwood, prepared statement for the 'Crisis in Central Africa' Hearing before the Subcommittee on African Affairs of the Committee of Foreign Relations, US Senate, 26 July 1994, p. 9 and 10.

61 The former Force Commander of UNAMIR, General Romeo Dallaire, considered that a total force of 5,000 troops and a peace enforcement mandate could have prevented most of the killing in Rwanda. UNAMIR's mandate extended to 2,500 troops, thus only necessitating an additional 2,500. See Scott R. Feil, *Preventing Genocide: How the Early Use of Force Might Have Succeeded in Rwanda* (New York: Carnegie Commission on Deadly Conflict, 1998).

62 Atwood, 'Relief Immediately'.

63 ibid. Gérard Prunier suggested that the West's insistence on 'broadening the government's base' and 'political reconciliation' so soon after the genocide was tantamount to having expected Chancellor Konrad Adenauer to include former Nazis in the first post-war Bundesrepublik cabinet. *Rwanda: Update to end of March 1995*, p. 5.

offering scant resources to the government to undertake these noble tasks.[64] Moreover, the US military foray into Goma, Operation Support Hope, was established as a strictly humanitarian operation with no peacekeeping role and was not, therefore, imbued with the mandate to arrest the war criminals that Atwood insisted must receive a fair trial. While claiming to be developing machinery to prevent crises, the military forces on the ground permitted war criminals and an entire army to mingle with the refugees and set up camp in Zaire. The military logistics helped establish a humanitarian sanctuary in which the war criminals and army received protection, sustenance, legitimacy, and continued to control the population which they had shepherded into Zaire for that purpose.

It is important to state that the refugee camp inhabitants were a mixture of *bona fide* refugees, Rwandans who had been ordered to flee, and people evading revenge or prosecution for crimes they committed during the genocide. The latter group should have been excluded from refugee status under international conventions that are discussed further below, but in the absence of mechanisms with which to remove suspected war criminals, they resided in the camps and benefited from the international rights accorded to refugees. Some authors, notably Alex de Waal, refer to the refugees as Externally Displaced Persons to reflect the illegitimacy of refugee status for such individuals.[65] However, such a term denies the existence of real refugees among the population which fled, and infers that they did not warrant international protection.

Generalisations, like that of de Waal, abound in the literature in support of arguments to either assist or abandon the camp population. The fact that half the camp inhabitants were women and children and thus 'innocent' was frequently invoked, yet gender does not preclude participation in genocide. The notion that the refugees were 'hostages' of

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[64] The US Government was slow to recognise the new Rwandan Government and was influential in stalling earmarked funds from the World Bank, which insisted that the Rwandan Government repay $10 million in arrears in order to unblock the $250 million allocation. When the US did allocate funds to Rwanda, it was significantly less than for the neighbouring refugee camps: $231.9 million in humanitarian assistance for the regional Rwandan crisis compared with $73.3 million to Rwanda in fiscal year 1994; $242.4 million compared with $46.2 million in 1995; and $177.9 million compared to $13.2 million in 1996. *Chronology of US Government (USG) Humanitarian Assistance to Rwanda and Eastern Democratic Republic of Congo (DROC) (since April 6, 1994)* (Washington: USAID/Bureau for Humanitarian Response (BHR) Office of US Foreign Disaster Assistance (OFDA), 1997), pp. 10, 13 and 17.

[65] Alex de Waal, *Famine Crimes: Politics and the Disaster Relief Industry in Africa* (Oxford and Bloomington: Africa Rights & the International African Institute in association with James Currey and Indiana University Press, 1997), p. 204.

the former regime was also regularly espoused, yet this denied individual agency and responsibility of the refugees themselves for the status quo. While generalisations are often necessary, it is important to bear in mind that the camp inhabitants were not a homogeneous population, and that many fled Rwanda owing to a well-founded fear of persecution. This fact, in particular, was concealed and remains overlooked, for reasons of political expediency. Thus a brief digression here is warranted to illustrate the justified fear of returning that many refugees harboured.

Evidence that the RPF committed atrocities during their march on Kigali surfaced in August 1994 during an inquiry into conditions for repatriation commissioned by UNHCR. The investigating team, headed by a highly experienced and respected US Government consultant, Robert Gersony, found that the RPF had killed between 25,000 and 45,000 persons between April and late August 1994. But UN Secretary-General Boutros Boutros-Ghali suppressed the Gersony Report following US pressure to do so, and Gersony's findings were either discredited as having a weak factual base,[66] or were said to 'not exist'[67] although officials of UNHCR had already presented them to members of the Rwandan Government.[68] A combination of guilt at the lack of international initiatives to halt the genocide, political expediency to see the refugees return, and a desire to delineate clearly a 'good side' from a 'bad side' made international observers reluctant to raise issues of human rights abuses by members of the new regime. Gérard Prunier, testifying at the Belgian Senate Inquiry into the genocide, had the courage to revisit his earlier scepticism about Gersony's findings,[69]

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[66] A spokesperson for the UN Rwanda Emergency Office said that the report gave no physical or forensic evidence of its claims: 'These are sensitive allegations made without proof'. 'Two UN Agencies At Odds on Report Of Rwanda Killing', *International Herald Tribune*, 26 September 1994, p. 4. See also John Borton, Emery Brusset and Alistair Hallam, 'Humanitarian Aid and Effects', Study 3 in David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996), endnote 49, p. 49.

[67] A letter from UNHCR Branch office in Kigali to the Representative of the Special Rapporteur for Rwanda states that the Gersony Report 'does not exist'. A copy of the letter is included in *Leave None to Tell the Story*, p. 726. According to sources close to the investigation, the discussion of the Gersony Report in *Leave None to Tell the Story* (pp. 726-735) is the most accurate and authorative that is available.

[68] Senior UNHCR official, personal interview, March 1998. The Gersony Report is allegedly in the safe of Sadako Ogata, the High Commissioner for Refugees.

[69] In *The Rwanda Crisis*, pp. 323-324, Prunier cast doubt on the credibility of the contents of the Gersony Report, suggesting that the killing of 250-300 persons per day without attracting attention would have been very difficult. He suggested that the Gersony Report 'tended to obscure rather than clarify the problem'.

saying '*je crois aujourd'hui que ce chiffre est une sous-estimation*'.[70] He admitted that at the time of Gersony's inquiry, he considered the results to be an over-estimate because he did not want to believe that the people to whom he felt ideologically close could commit massacres. However, after conducting interviews of his own, he reached a similar conclusion to that of Gersony.[71] Although incommensurate with the systematic and indiscriminate killings carried out by the former Rwandan regime, the exactions committed by members of the RPF gave Rwandans a genuine reason to flee, hence contradicting the generalised notion that all the camp inhabitants were brainwashed 'hostages' of the deposed government forces.

2.2 Population Control and the Quest for Legitimacy

The number of Rwandans who fled to neighbouring countries entirely of their own volition was nevertheless a minority. The evacuation of the population was a calculated military strategy aimed at undermining the credibility of the new Rwandan Government and providing the ousted regime with a strong asset with which to claim legitimacy and attract international sympathy. A member of the foreign ministry in the former government said, 'even if they [the RPF] have won a military victory they will not have the power. We have the population. They only have the bullets'.[72]

Retaining the population in exile became imperative to the prospects of the former regime, and the military was directed to 'continue to play their role of *avant-guard* in all initiatives aimed at a return to Rwanda, to warn of any uncoordinated returns and, above all, to discourage them by creating a climate of insecurity in Rwanda.'[73] The leadership adopted a multi-faceted approach to dissuade refugee repatriation, combining intimidation, violence and propaganda with the creation of control mechanisms at every administrative level within the refugee camps. As the latter became entrenched, the need

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[70] 'I believe today that this number is an under-estimate'. *Commission d'enquête parlementaire concernant les événements du Rwanda* (Brussels: Compte Rendu Analytique des Auditions, Senat de Belgique, 11 June 1997), p. 717.

[71] ibid. Also see *Témoignages de Nouveaux Réfugiés sur les Violations des Droits de l'Homme Perpétrées par le FPR* (Bukavu: Ligue des Réfugiés Rwandais Pour les Droits de l'Homme (LIRDHO), December 1994) for testimonies of refugees who fled Rwanda after October 1994.

[72] Jean Bosco Barayagwiza, former director of political affairs in the foreign ministry, as quoted in *Rwanda: Death, Despair and Defiance*, p. 1094.

[73] 'Rapport de la Réunion', p. 12.

for the former diminished, significantly aided by events in Rwanda which also militated against enthusiasm among the refugees for a return home.

During the first few months, violence was rife in the refugee camps in Zaire and was the primary tool used to control the refugee population. A retrospective survey undertaken in one camp suggested that 4,000 refugees died as a result of violence perpetrated by the militia, undisciplined Zairean soldiers and other refugees.[74] Individuals or families who expressed the desire or tried to return to Rwanda were accused of sympathising with 'the enemy' and threatened or killed. Others were beaten along the road to Rwanda and told that the beating saved their lives as, according to an anonymous pamphlet which circulated in Mugunga camp, 'of all those made to return by UNHCR, not one has survived'.[75] Rumours of infiltrators in the camp generated an atmosphere of fear and violence, and resulted in the death of hundreds of refugees suspected of being 'RPF agents', often without any provocation. Allegations of poisoning were particularly prevalent, and food vendors often came under attack, if something was awry or if a client became ill. Names of 'bandits' and enemy networks appeared on lists in the camps together with the locations of the *blindés* (refugee shelters) in which they lived.

Security conditions for the staff of international aid agencies were also precarious and attempts to direct aid to the most vulnerable refugees rather than the most powerful provoked threats and intimidation against local and international staff. An observer returning from Goma in late 1994 predicted that it was 'only a matter of time before one or more international relief workers are assassinated in the Goma camps'.[76] The Canadian branch of CARE decided to withdraw from Goma after a serious incident in Katale refugee camp. CARE had established a separate security structure to that run by the political and military leadership, and had hired a Rwandan 'Scout' organisation to help control access to the camp and direct traffic. In September, a group of militia blamed the death of a bandit in the camp on the Scouts, and went searching for them and issued death threats to several CARE staff members. The international staff evacuated

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[74] John Eriksson, 'Synthesis Report' in David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996), p. 29.

[75] Cited in *Rwanda and Burundi. The Return Home: Rumours and Realities* (London: AFR 02/01/96, Amnesty International, 1996), p. 36.

[76] Jeff Drumtra, *Site Visit to Rwanda, Zaire, and Burundi* (Washington: US Committee for Refugees, 20 October to 17 November 1994), p. 15.

the camp but upon their return found that 35 of the Scouts had been murdered and replaced at the camp entrance by armed militia members.[77] CARE Canada announced its withdrawal in October.

By early 1995 several events contributed to the reduction in the level of conspicuous insecurity in the camps and the adoption of more subtle methods of population control. First, a contingent of 1,500 Zairean military personnel (*Contingent zairois de securité dans les camps* – CZSC) was deployed in the camps under an agreement with the UN. Unsuccessful attempts to solicit troops from UN member states (discussed below) had left few other options than accepting the Zairean Government's offer, and an *aide-mémoire* was signed on 27 January 1995. The force was tasked with improving public order in the camps; preventing intimidation and violence aimed at deterring the voluntary repatriation of refugees; protecting humanitarian facilities and personnel; and escorting refugee convoys to the Rwandan border. The first contingent, which was recruited from the Special Presidential Division of the Zairean armed forces, had some success in improving the conditions in the camps, but the second contingent engaged in exploitative activities, 'extorting money, levying taxes on refugees illegally carrying on economic activities, and allegedly using refugees for sex or for prostitution'.[78] Thus although the soldiers contributed to the reduction in overall levels of insecurity, other problems surfaced, and the CZSC never managed to fulfil one of its principal objectives, the prevention of intimidation against refugees opting for repatriation.[79]

The second and more important reason for the decline in violence was due to the leadership's need for international recognition and sympathy once a return to Rwanda by force became increasingly unlikely. The threatened withdrawal of 15 NGOs from the camps in Goma unless security improved coincided in November 1994 with the reorganisation of the former government and army, and a review of their strategy of return to Rwanda. It was strongly in the interests of the former regime to quell the violence in the camps, to avoid jeopardising the presence of the aid organisations and precipitating a deterioration of camp services. Furthermore, the withdrawal of non-

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[77] See Bruce D. Jones, *Rwanda Report: International NGOs in the Response to the Rwandan Emergency* (London and Toronto: 'NGOs in Complex Emergencies' Project, a Collaborative Project of CARE Canada, the Harrowston Project on Conflict Management, University of Toronto, and the Conflict Analysis and Development Unit, London School of Economics, July 1997), section 2.3.2.

[78] *Refugee Camp Security in the Great Lakes Region*, p. 24.

[79] ibid., p. 13.

government organisations (NGOs) would have further reduced international sympathy for the refugees, and compromised the efforts of the former regime to improve their international image in the hope of opening dialogue with Kigali.

The third reason for the reduction in overt violence was the consolidation of more subtle forms of control in the camps. The placement of loyal supporters in strategic administrative posts, and the revival of the propaganda machine - much of the material for which was based on real events in Rwanda - superseded the role of direct violence and intimidation in controlling the refugees. Within a few months of their formation, the organisational structures of the camps served to retain almost complete control over the refugee population. Several observers have remarked that the same administrative structures that existed in Rwanda were re-created in the Rwandan camps in Tanzania and Zaire: *préfectures*, *communes*, *secteurs* and *cellules*.[80] But in many camps, in fact, there were several organisational structures superimposed on one another to monitor and control even more assiduously the activities of the refugees.

The '*cellule* to *préfecture*' system was retained as one level of administrative organisation, even though the refugees in the Zairean camps were more scattered than in Tanzania, where *communes* of origin had been geographically maintained. Only in Kahindo camp in Zaire were the refugees physically grouped according to their regions and villages of origin.[81] A semblance of democracy was introduced in the camps in 1994, with leaders at the *commune* level elected by the refugees. International organisations were invited to attend the election to 'verify' the democratic nature of the vote, although the process by which candidates were nominated was not clear. Speeches generally ensued and refugees formed a line behind the candidate of choice. The elected *commune* representatives then elected a *préfet* (although they dropped these political titles in favour of 'representative').

Following the reorganisation of the former government and military in September 1994, another level of authority was imposed upon the refugee camps. One of the recommendations made at the meeting of the High Command was that 'the government must make every effort to supervise this population, especially as the refugees have

[80] See, for example, *Rwanda and Burundi. The Return Home*, p. 32; Prunier, *The Rwanda Crisis*, pp. 313-314; and Borton et al., 'Humanitarian Aid and Effects', pp. 96-97.

elected their leaders at the camp level'.[82] Hence, in early November, members of the newly formed political commissions, mentioned in the previous section, were placed in the camps. In Goma, the Social Commission of Rwandan refugees of North Kivu, which consisted of 15 members, established four main subcommissions: security; social; capital and finance; and communication and information. Four persons were appointed in each *préfecture* to represent these commissions, with the exception of 'capital and finance' which was replaced at the camp level by a distribution commission. The four commission appointees elected one representative to sit on the Camp Council (*conseil du camp*), which was the liaison committee that met with UNHCR, the Zairean authorities and the NGOs.

The Commission then replicated in the camps the type of '*auto-defense*' neighbourhood security system that had been so effective in locating and killing Tutsi during the genocide for 'self-defence'. The camps were geographically delineated into *quartiers*, *sous-quartiers* and then into cells of 10 or so *blindés*. A security officer was elected in each cell by his neighbours; they then elected *sous-quartier* officials who in turn elected a head of each *quartier*. All *chefs de quartier* were represented on the Camp Council. UNHCR had geographical zones for distribution but these did not necessarily match those of the *quartiers*, effectively creating three levels of organisation.

UNHCR refused to meet with the government-in-exile in Zaire specifically to avoid according legitimacy to these individuals as a negotiating partner of the UN. Meeting with other war criminals was sometimes unavoidable, however, if they held positions within the camps which entitled them to sit on the Camp Councils. The social commissions also contained extremists, the most notorious of whom, François Karera, was best known for his justification of the genocide because 'the Tutsi are originally bad'.[83] Living in Zaire with impunity, he oversaw many of the refugee camp functions such as presiding over the local elections in 'Ruhengeri *préfecture*' in early December

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[81] Report from Eleanor Bedford to MSF Amsterdam and Brussels, 'Update weeks 6-7 (January 15–February 1)' (Goma: mimeo, 7 February 1995), p. 2.

[82] 'Rapport de la Réunion', p. 12.

[83] Jane Perlez, 'A Hutu Justifies Genocide', *International Herald Tribune*, 16 August 1994, p. 1.

1994.[84] He was the former *préfet* of Greater Kigali and number 43 on the Rwandan government's list of principal *génocidaires*, wanted for trial.

Again following the proposals made in the meeting of the High Command, a final layer of control was placed over the refugee camp population. The meeting recommended that:

> The military leaders must ask Rwandan intellectuals to assist the politico-administrative authorities in raising awareness and supervising the refugees. They should be asked to take initiatives to create reflection groups on subjects of patriotism and the return to our country. Ask them to approach foreign organisations to make them understand our cause and to request their assistance for the population... The Rwandan intellectuals should seek employment in the international realm to get close to the foreigners.[85]

Such 'reflection groups' were established in most camps and served as an important medium through which to transmit the revised Rwandan history and messages of Hutu victimisation that were discussed in the previous section. Attended by refugees, these meetings were held regularly to discuss politics, security, developments in Rwanda, and constraints faced by the refugees in returning to Rwanda. In addition, the Social Commission urged the refugees to create a variety of associations in the camps including women's associations, associations of handicapped persons, and intellectual associations. A Rwandan NGO collective was also formed. Although predominantly espousing aims of reconciliation and dialogue with organisations in Rwanda, the extent to which these associations could claim any real independence or autonomy from the ubiquitous control of the political and military leadership is questionable.

The formation of the aforementioned organisation, RDR, was also an attempt to gain increased legitimacy for the Rwandan leaders through claiming to represent the refugee population. Evidence suggests that the RDR was formed as an alternative to the government-in-exile, and was specifically led by people not directly associated with the genocide. The Director was François Nzabahimana who was the former Minister of Commerce, and the executive secretary was Innocent Butare who was out of the country when the genocide commenced. Espousing rhetoric of justice, tolerance, respect for human rights, and the end of ethnic cleavages, the RDR sought to open negotiations

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[84] Report from Eleanor Bedford to MSF Amsterdam and Brussels, 'Elections' (Goma: mimeo, 5 February 1995), p. 2.

[85] 'Rapport de la Réunion', p. 6.

with Kigali as a precursor to the dignified repatriation of the refugees. The RDR was initially welcomed by the aid organisations in the camp, and received considerable kudos as an organisation until it was thought to have been undermined by extremists.[86] The heavily edited manifestoes of the RDR and its embryonic predecessor, the *Front Democratique Rwandais* (FDR), found in Bizimungu's files suggest, however, that extremists always ran it. In one version of the FDR statutes, presented in Appendix 4, Article 1 has been amended by hand from a 'politico-military movement' to a 'socio-political organisation'. It is also interesting to note how the terminology of UNHCR has been adopted: to the first objective of the FDR, the organisation of refugee repatriation, has been added 'in dignity and security to Rwanda'.

Finally, as illustrated in the last section, the production and widespread distribution of propaganda in the camps contributed to maintaining psychological control over the refugee population. The extremist newspaper *Kangura*, responsible for espousing ethnic hatred before and during the genocide, continued to be produced under the editorship of indicted war criminal Hassan Ngeze, and distributed in the camps. Another extremist publication, *Amizero*, began in November 1994 and was published by the *Association des Journalistes Rwandais en Exil* (AJRE), with the former editor-in-chief of RTLM, Gaspard Gahigi, as editor. Articles in these publications often tried to reflect the concerns of the refugees. In *Kangura* in early 1995, Ngeze wrote:

> There are questions that everyone asks. When we will return? How will we return? Where are the preparations? No one is resolving these questions. To be able to return, the refugees must win 3 wars: a war of arms, of politics, and of information. Everyone must examine their conscience to determine their contribution. *'What should I do to make our problem known to the international community', 'Can I financially support a newspaper? Can I give a donation to buy arms? Can I analyse the current situation and propose solutions?'* It is regrettable that the intellectuals and former authorities are conspicuous by their lack of thought and their indifference. It is time for the refugees to collaborate, from the peasant to the businessman, from the military to the religious. The young and the old must be ready: the time to enter by force is close since the RPF have refused all negotiation.[87]

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[86] Joël Boutroue, UNHCR Team Leader, Goma, personal interview, 8 August 1997. Members of the media were not so naive, questioning the credibility of the RDR from the outset. See 'You're saying we did it?', *Economist* (3-9 June 1995), p. 44.

[87] Hassan Ngeze, 'Editorial: Apprenons à parler et à poser des questions. Sachons découvrir la vérité et soyons clairvoyants', *Kangura*, No. 65, 1 January 1995, pp. 1-2 as summarised in ABSL Dialogue, *Revue de la presse Rwandaise* (Italics in original).

Clandestine radio also periodically broadcast in the camps, and a variety of other forms of dissemination were used to spread messages aimed at dissuading the refugees from returning to Rwanda. Some of the clergy produced the most inflammatory literature, including a pamphlet which used passages from the Bible to justify genocide.[88]

Thus the former politicians and military retained strong control over the refugees through the use of violence, coercion, authority, propaganda, and social networks. The need for open intimidation and violence to prevent the refugees returning to Rwanda lessened as a web of sub-committees, neighbourhood security units, and associations embracing almost all segments of society was cast over the camps. The growing insecurity in Rwanda, partly provoked by cross-border military raids, but also due to the rising power of hardliners within the Kigali regime, added weight to the discourse promulgated in the camps, and discouraged refugee returns. As the Special Envoy of UNHCR, Carol Faubert, said in an interview with *Le Monde* in July 1995: 'The violence has disappeared in the camps, but it could recur. For the moment, three months after the Kibeho massacre, the camp extremists have no need to discourage the refugees from returning.'[89] The organisational structures of the refugee camps facilitated the mechanisms of control, but the paramount problem from which all other paradoxes of humanitarian assistance in the camps stemmed was the presence of the former army and government in the refugee camps.

2.3 Protection

The defeated government and their supporters benefited from two types of protection through seeking asylum in Zaire: legal protection through recognition as refugees, and physical protection since the RPA did not, for the most part, pursue them across the border. Legal protection was provided through the accordance of *prima facie* refugee status to all asylum seekers who fled Rwanda, under the provisions of Article 1.2 of the

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[88] Report from Eleanor Bedford to MSF Amsterdam and Brussels, 'March 6-19' (Goma: mimeo, 27 March 1995), p. 12. Even in a letter to the Pope dated August 1994 a group of priests in Goma justified the killings and claimed that 'the number of Hutu civilians killed by the army of the RPF exceeds by far the Tutsi victims of the ethnic troubles'. See *Death, Despair and Defiance*, pp. 906-907.

[89] Jean Hélène, 'Des organisations humanitaire reprochent aux autorités rwandaises de ne pas favoriser le retour des exilés', *Le Monde*, 30-31 July, 1995, p. 4.

1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. This convention grants status to:

> every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality is compelled to leave.

As mentioned in Chapter 1, exclusions clauses contained in the 1951 and 1969 Refugee Conventions disqualify from refugee status persons suspected of committing *inter alia* war crimes and crimes against humanity, but the blanket bestowal of refugee status precludes individual status determination. Central to the protection tenet of international refugee law is the principle of *non-refoulement*, the guarantee that states will refrain from forcing refugees to return to their country of origin. Recognising that refugee status in the Rwandan case protected criminals, the Bujumbura Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region noted that the principle of *non-refoulement* did not apply to those suspected of genocide.

> If it is determined that certain individuals do not deserve international refugee protection, in which case the principle of non-refoulement does not apply, such persons may be subjected to extradition procedures, under conditions of due process of law.[90]

But these legal prescriptions presupposed the capacity to identify individuals implicated in the genocide and, once they were identified, to facilitate their removal from the refugee camps and extradition to Rwanda or the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. The Exclusion Clause was applied to 20 Rwandans once they were indicted by the ICTR in September 1996,[91] but hundreds of thousands of others remained in Zaire benefiting from protection against prosecution rather than persecution.[92]

Under international law it is the host nation that is responsible for ensuring that the refugee camps had an 'exclusively civilian and humanitarian character'.[93] As an ally of

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90 *Plan of Action* (Bujumbura: 1995/BUJCONF.3, Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region. 12-17 February 1995), Item 11.

91 *UNHCR Excludes 20 Indicted Rwandans* (Geneva: Public Information Section, UNHCR, 24 September 1996).

92 The Synthesis report of the Joint Evaluation of Emergency Assistance to Rwanda suggested that between 10-15 percent of the camp population was directly implicated in the mass killing, although no explanation of the basis for this calculation was provided. See Eriksson, 'Synthesis Report', p. 39.

93 In accordance with EXCOM Conclusion 48 of 1987. 'No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements' 1987 Executive Committee – 38th Session in *Conclusions on the*

the former Rwandan regime, the Zairean Government was, on the one hand, reluctant to arrest war criminals or jeopardise the prospects of the regime's return to power in Rwanda. But on the other hand, Zaire was in need of the international prestige conferred upon states hosting refugees. Whether by design or by default, the Zairean authorities managed to weave a path through the conflicting loyalties, compromising one for another when necessary. Uncertainty about Zaire's reliability is reflected in several of the ex-FAR's military documents; a suspicion well founded in light of Zaire's return of military equipment to Rwanda in early 1996. From the UN perspective too, Zairean authorities proved to be an unpredictable negotiating partner. In the initial months of the relief operation, the Zairean Government indicated to the UN Department of Peace Keeping Operations (DPKO) its readiness to separate the military and former government officials from the rest of the refugees; to receive the political authorities in Kinshasa for movement to a third country; and to allocate sites away from the border to which the military could move.[94] None of these actions was ever realised, however, and the *aide-mémoire* signed for the CZSC deployment made no mention of separating or arresting the former government authorities. The Zairean Government also violated the principle of *non-refoulement* in August 1995, expelling some 14,000 Rwandans and 2,000 Burundian refugees from Zaire. This move came in response to the UN Security Council's decision to lift the arms embargo on Rwanda.[95] Invoking national security concerns, the Government of Zaire reminded the UN member states of the importance of Zairean hospitality towards the refugees.[96]

In addition to the legal protection that the body of refugees obtained for those responsible for genocide, the presence of hundreds of thousands of refugees provided a human shield against attack until late 1996. The proximity of the refugee camps to

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International Protection of Refugees adopted by the Executive Committee of the UNHCR Programme (Geneva: UNHCR, 1991), pp. 109-111 at p. 110.

94 'United Nations Mission on Security in the Rwandese Refugee Camps. Terms of Reference' (New York: Department of Peace Keeping Operations mimeo, 1 September 1994).

95 See Boutros Boutros-Ghali, 'Introduction', in *The United Nations and Rwanda 1993-1996* (New York: UN Department of Public Information, 1996), pp. 3-111 at pp. 89-90.

96 The *refoulement* also reflected internal power politics between President Mobutu, who was in favour of hosting the refugees, and Prime Minister Kengo wa Dongo, who wanted the refugees to leave Zaire. Both sought to capitalise on the presence of the refugees in this traditionally anti-government region of Zaire; Mobutu through permitting the refugees, dependent upon his good will, to remain in the region, and wa Dongo, through promising the local inhabitants, resentful of the refugee presence, that the refugees must return to Rwanda. Wm. Cyrus Reed, *Contested Government, State Decay, and Public Policy: The Role of Zaire in the Great Lakes Crisis*, (Second Draft of a Paper presented to the International Studies Association Convention, Washington, D.C., February 1999).

Rwanda permitted the launching of cross border raids from the refugee camps, without provoking harsh reprisals for over two years. As illustrated in earlier chapters, the physical protective function of refugee camps is usually derived from the international condemnation that an attack on the refugee population would provoke. But in the case of the camps in Zaire, the stage was set during two years of shrewd analysis and careful planning by the Rwandan Government to minimise the diplomatic repercussions of the assault on, and destruction of, the camps. First, although RPA involvement in the offensive was widely assumed, the Rwandan Government consistently denied any involvement in the offensive against the camps until July 1997, thus attracting public denunciation only from one of Zaire's allies, Gabon.[97] When Paul Kagame did admit Rwanda's role, he justified the action stating that the UN had failed to resolve the security threat the camps posed to Rwanda. 'We told them clearly: Either you do something about the camps or you face the consequences'.[98] Kagame had, in fact, issued repeated warnings of Rwanda's intention to attack this source of regional instability since March 1995,[99] and it came as no surprise to most informed observers.

Second and most importantly, the dismantling of the camps and the return of the refugees to Rwanda was the outcome that the UN and donor governments wanted but had failed to accomplish themselves. The US Government, in particular, had sanctioned a tougher approach to the refugee problem, stating at the Rwandan Roundtable meeting in June 1996 that

> while voluntary repatriation remains the preferred option of the U.S. government, the on-the-ground reality in the camps dictates that this option becomes less and less viable over time... It is time to look at other options to maintaining the current status of the refugee camps no matter how difficult it is to reconcile those options with refugee conventions.[100]

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97 Peter Smerdon, 'Rwandan links with Zaire rebels hard to disguise', *Reuters*, 22 November, 1996.

98 John Pomfret, 'Rwanda Admits It Led Drive to Topple Mobutu', *International Herald Tribune*, 10 July 1997, p. 7.

99 Kagame stated in March 1995 that his Government would pursue any criminals who attacked Rwanda by attacking the country in which they were found. See *Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories* (UN General Assembly Report A/51/942, Human Rights Questions: Human Rights Situations and Reports of Special Rapporteurs and Representatives, July 1997), pp. 17-18.

100 US Statement delivered by Richard McCall, Chief of Staff, USAID to the Rwandan Roundtable Conference, Geneva, 20-21 June 1996, p. 4 and p. 6.

There is little doubt that individuals in the US Government approved of the offensive against the camps: Kagame even publicly commended the US for 'taking the right decision to let it proceed'.[101] The camps were expensive to maintain, were causes of regional destabilisation, and attempts to encourage the voluntary repatriation of the refugees had been largely unsuccessful over the past two years. The situation had reached an impasse because UN member states had failed to support initiatives aimed at breaking the hold of the political and military leaders over the refugees in the camps. Boutros-Ghali recognised in November 1994 that 'the most effective way of ensuring the safety of the refugees and their freedom to return to Rwanda would be the separation of political leaders, former Rwandese government forces and militia from the rest of the refugee population'.[102] He proposed several options involving the deployment of UN troops to undertake tasks ranging from progressively establishing security in the camps for refugees and aid personnel, through to the separation of the military and political elements from the refugees under Chapter VII of the UN Charter. Noting the difficulty of obtaining the necessary number of troops for UNAMIR in Rwanda, Boutros-Ghali recommended the less ambitious option which required fewer soldiers. But even this proposal proved unpopular with UN member states and only one country of the 60 approached agreed to provide personnel. The opportunity to avert a deadlock in the crisis and work towards a resolution was relinquished.

Thus in providing legal and physical protection to the former government and army for over two years, the Rwandan refugee camps in Zaire became a 'legitimate' target of attack for the Rwandan army and allied Zairean rebels. States were unwilling to commit the necessary resources to Zaire to address problems impeding a resolution of the refugee crisis, and welcomed an initiative directed towards an outcome desired by the 'international community'. The fact that Rwanda had warned of such an outcome for 18 months, had gained US tacit approval, was discreet about its involvement, and directed the bulk of refugees back to Rwanda, averted international condemnation for the attack. The camps' protective functions had been short-lived, not only for those undeserving of such protection but also for the genuine refugees. The absence of international volition

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101 Pomfret, 'Rwanda Admits it Led Drive'.

102 *Report of the UN Secretary-General on Security in the Rwandese Refugee Camps* (S/1994/1308), p. 1.

to assure 'exclusively civilian and humanitarian character' of the refugee camps compromised the *raison d'être* of asylum: the protection of refugees.

2.4 War Economy

Diverse initiatives were employed by the political and military leadership in the Rwandan refugee camps to generate revenue for their activities in exile. Some income was directly derived from the humanitarian relief effort, through inflated population numbers, theft of aid supplies, and the taxation of local employees of humanitarian organisations. Other income was indirectly gained through the refugee camps from the body of consumers from which substantial profits could be made. Brothels, cinemas, bars, restaurants, health centres, import/export offices, money-changers, transport services and commercial shops of all description were established in the camps from the extensive haul of equipment, vehicles and capital taken from Rwanda. Many refugees also had assets at their disposal, having fled with household goods, money and other belongings. This was fed into the booming camp economy which was controlled by the camp leadership.

The extent of the revenue directly sourced from the humanitarian relief program varied according to the camp and region. Inflated beneficiary numbers, for example, was a bigger problem in Bukavu and in the Tanzanian camps in Ngara, than in the refugee settlements around Goma. The first official registration of refugees in Ngara in July 1994 produced a figure of 230,000, which was significantly lower than the 350,000 names appearing on lists provided by the camp leadership.[103] Hence for ten weeks humanitarian aid for 120,000 people was misappropriated by those in charge of the distribution process. In Bukavu, a refugee count undertaken in late February 1995 reduced the beneficiary population from 350,000 to 300,000 refugees, indicating that aid for 50,000 refugees for six months had 'disappeared'. In Goma, by contrast, the original planning figure of 1.2 million was revised to 850,000 by August 1994 on the basis of aerial surveys taken by the US and French military, and the number requiring food was

[103] *Lessons Learnt from the Rwanda Emergency* (Geneva: EC/1995/SC.2/CRP.21, Sub-committee on Administrative and Financial Matters, Executive Committee of the High Commissioner's Programme, 7 June 1995), in Annex C of *Lessons Learned from the Burundi and Rwanda Emergencies* (Geneva: Eval/04/96/Rev.1, Inspection and Evaluation Service, UNHCR, 1996), p. 7.

further reduced to 740,000 at the end of September.[104] The census of late January 1995 registered a total of 722,000 refugees, which, according to a UNHCR evaluation, 'tallies well... if departures are taken into account'. The report asserts that 'at no time during the emergency was food either delivered or distributed in excess of these requirements.'[105] The assumption that aid was not wasted is only accurate, however, if the 71,395 spontaneous returns to Rwanda that UNHCR recorded between October 1994 and the end of January 1995 (of a total 201,702 since July)[106] were among refugees already excluded from the food distribution. The Goma representative of the World Food Programme (WFP), Robert Hauser, was quoted in *Libération* disputing the September estimate. Commenting on the high malnutrition rates in the camps he stated that this was even more unacceptable given that 'we deliver daily in all camps sufficient food to meet the needs of 740,000 refugees when we know that there is approximately 600,000.'[107]

The debate about refugee numbers re-emerged as an intensely political issue following the 1996 attack on the camps and the disappearance of an unknown number of Rwandans. Other methods of verification, such as medical data and statistics derived from nutritional and vaccination surveys, however, indicated that UNHCR's figures were fairly accurate before the destruction of the camps.[108]

The establishment of accurate beneficiary numbers in the camps ran counter to the interests of the political and military leadership, and attempts to conduct refugee registrations faced sabotage. In addition to economic gains, exaggerating the number of refugees outside Rwanda via-à-vis the number in the interior was central to attempts to discredit the new Rwandan regime and challenge its right to power. The government-in-exile claimed that 4,050,000 refugees resided in Zaire, with 500,000, 300,000 and 50,000 refugees in Tanzania, Burundi and other countries respectively.[109] Thus the first

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104 'Situation Report No. 10' (Goma: UNHCR mimeo, 25 September 1994) and Borton et al., 'Humanitarian Aid and Effects', p. 106.

105 *Lessons Learnt from the Rwanda Emergency: Further Reflections* (Geneva: EC/46/SC/CRP.28, Standing Committee, Executive Committee of the High Commissioner's Programme, 28 May 1996), in Annex D of *Lessons Learned from the Burundi and Rwanda*, p. 4.

106 Situation Report No. 19, 15 January-15 February 1995 (Goma: UNHCR mimeo, February 1995).

107 Alain Frilet, 'Le tranquille exil des chefs de guerre hutus', *Libération*, 23 November 1994, p. 15

108 See Jean-Hervé Bradol and Anne Guibert, 'Le temps des assassins et l'espace humanitaire, Rwanda, Kivu, 1994-1997', *Hérodote*, No. 86/87 (1997): 116-149 at p. 137.

109 Thacien Hahozayezu, 'Les vrai statistiques des réfugiés', *Amizero – L'Espoir*, No. 0, 7-14 November 1994, pp. 6-7 as summarised in ABSL Dialogue, *Revue de la Presse Rwandaise*.

attempt at conducting a census in October 1994 was plagued by insecurity, and the registration was postponed until January. The January registration encountered attempts of fraud and in some *communes*, ration card verification had to be repeated up to five times. Eventually UNHCR arrived at a satisfactory figure, having uncovered many fictitious *cellules*, *secteurs* and even *communes*. However, a renewed attempt at registration in August 1996 failed after the 700,000 refugees boycotted the count. Rumours had circulated in the camps that the ink used for registration caused sterility and death, and would identify refugees if they were forced to return to Rwanda. Since a joint communique announcing the start of repatriation had been issued by the Prime Ministers of Zaire and Rwanda on 22 August, the latter rumour fed into the real fears of the refugee population.

Registration exercises, in any case, did not stop the theft of aid supplies. The high malnutrition rates mentioned by the WFP representative in Goma in 1994 were largely a reflection of the uneven distribution of rations within the camps. Relying on the *commune* heads to prepare lists of beneficiaries and assist in the distribution left the system open to manipulation. One estimate suggested that a quarter of the 10,000 tonnes of food destined for distribution was diverted to the camp leadership.[110] A food basket monitoring survey undertaken in the Goma camps in October 1994 revealed the disparities of rations: 40 percent of households in Kibumba camp received less than the 2,000 Kcal ration to which they were entitled, with 29 percent receiving less than 1,000 Kcal, and 13 percent receiving more than 10,000 Kcal rations. Rations containing less than 1,000 Kcal were found among 32 percent of the population in Kahindo, 19 percent in Mugunga and 9 percent in Katale.[111] Rates of severe malnutrition in Mugunga camp increased from 3.3 percent of children under five years of age in August to 8.2 percent in October 1994. Increases in rates of severe malnutrition were also experienced in Kibumba and Kahindo camps. Katale had a small decrease but the rate remained high at 5.9 percent in October.[112]

The direct looting of warehouses containing food and other aid supplies was also undertaken by the defeated forces; in November 1994, for example, WFP officials

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110 Frilet, 'Le tranquille exil', p. 15.

111 Borton et al., 'Humanitarian Aid and Effects', p. 96.

112 Situation Report No. 6, 1-31 July 1994 (Goma: UNHCR mimeo, July 1994).

discovered 200 tonnes of food from their warehouse being loaded on a barge for Bukavu, headquarters of the former government.[113] But towards the end of 1994 much of the overt theft and diversion of food aid had diminished, and the camp malnutrition rates began to decline, reflecting the change in strategy and increased professionalisation by the military and political leadership outlined in the previous section. While a considerable amount of food was probably stockpiled in the earlier months, a combination of the threat of withdrawal from the camps made by the NGOs in November, and the restructuring and redefinition of the military and political structures led to a decrease in the pillage of aid supplies. Images of massive theft portrayed in the international media compromised the new objectives of gaining international legitimacy and sympathy for the refugees.

Other, more discreet forms of income generation from the humanitarian aid operation continued. The taxation of tens of thousands of refugees employed with international agencies provided the camp leaders with a steady income, although the amount is impossible to quantify. Interviews with former refugees indicated that the tax varied among the different sites: in Benaco camp in Tanzania the refugees were apparently taxed 2 days payment per month, plus 100 Tanzanian Shillings per person over 18 years of age, whereas in Goma a 20-30 percent levy was imposed on all employed refugees. The salaries paid to local staff in Goma until March-April 1995[114] ranged from $270 per month for a doctor, to $2 per day for a casual labourer. Engineers and administrators earned $210; drivers earned $180; nurses' salaries ranged from $180 to $120 per month; auxiliary health staff and cooks earned $95, and cleaners $75 per month. The difficulty of calculating an average wage across all casual and permanent employees is compounded by variations in the numbers of refugees employed between the periods of intense activity and those of consolidation and stability - some 100 international NGOs were present in Goma at the peak of the cholera epidemic.[115] Although the full extent of

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[113] Frilet, 'Le tranquille exil', p. 15.

[114] As discussed again below, a 'coalition' of several NGOs in Goma agreed to reduce salaries to the equivalent rates in Rwanda and revert from payment in dollars to the Zairean currency to reduce the sum taxed by the camp leadership. The Belgian section of MSF successfully implemented a 50 percent pay cut across the board in March 1995 and MSF Holland implemented a graduated pay cut of 40 percent in April 1995. Report from Eleanor Bedford to MSF Amsterdam and Brussels, 'March 6-19'.

[115] See Borton et al., 'Humanitarian Aid and Effects', p. 38. By the end of 1994 there were 45 NGOs in Goma, 44 in South Kivu and 31 in Tanzania working as implementing partners of UNHCR. *Impact of Military Personnel and the Militia Presence in Rwandese Refugee Camps and Settlements*,

revenue earned from taxation can never be accurately determined, a rough indication of the scale can be extrapolated from considering one NGO program during the non-emergency period. In July 1995 the Belgian section of MSF was employing 550 local staff in its health program in Kahindo camp which housed 108,000 refugees. The program included running a 230 bed hospital, a 24-hour nutritional centre, 3 dispensaries, 4 health posts and a community health care program. Given that the number of casual labourers employed at this time would have been minimal, an average wage could be expected to have been at least $100 per month. If 550 employees paid one fifth in tax each month, then the camp leadership collected $11,000 per month from the local staff of one NGO in one camp alone. Multiplied by the number of local staff employed in food and non-food distributions; water and sanitation activities; camp management; warehousing and shelter; social programs for orphans and the handicapped; family tracing; education; agriculture; and vocational training, the revenue would have been considerable. Moreover, salaries were paid in US dollars until mid 1995 since sourcing an adequate quantity of Zairean currency was problematic.

In addition to taxation, the camp leadership often charged refugees for supplies to which they were freely entitled from UNHCR. One former refugee[116] reported that when she and her family arrived in Inera camp near Bukavu they were obliged to purchase the land on which to build a shelter. She said that the price of land varied according to the location, with the highest prices paid for the sites closest to camp facilities. Her family paid $100 for a whole package of land, plastic sheeting, a blanket, a cooking set, and their first ration. Items were also individually sold; plastic sheeting cost $20 per piece. She also purchased a place on a beneficiary list, claiming it was a faster way to receive food than via the official UNHCR system. Having bought beer for the *chef de quartier*, she said that over time he replaced a false name on his list with her real name.

The vehicles looted from Rwanda became another source of revenue for the camp leadership. Several bus and taxi services were established around and between the various camps and Goma town. A report of the activities of Bus A9240 dated 14 October 1995, indicated that $3,018 was made in a five month period from servicing the Mugunga-Katale-Mugunga route. The report also shows that $2,875 of this was spent on

(Bujumbura: 1995/BUJCONF.3, Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, 12-17 February 1995), p. 3

construction costs for the 2nd Division of the ex-FAR, reconnaissance missions and the purchase of technical materials.[117] Some revenue also came directly from aid organisations to which vehicles were rented. An accounting sheet of the Finance Commission in North Kivu presented in Appendix 5, for instance, showed bus rental to the Irish NGO Goal among its revenue details for the period April to September 1995. According to the report, Goal paid $6,680 between April and June for the rental of Bus A9225.[118]

The Rwandan refugee camps in Zaire thus provided an effective humanitarian sanctuary to the former Rwandan government and army. Protected from prosecution, they resided in the camps with impunity and manipulated the aid structures in the camps to increase their military and political power. The sanctuary provided by Zaire enabled them to resume the killing they started in April 1994, and to sabotage reconstruction and reconciliation attempts in Rwanda. The camp leadership prevented the refugees from returning to Rwanda, and injected them with hatred and genocidal rhetoric for over two years. After repeated warnings by the Rwandan Government, the camps were attacked and destroyed by the Rwandan army and Zairean rebel forces.

The offensive began against the Uvira camps in South Kivu in October 1996, ostensibly led by Zairean Banyamulenge rebels. Persecution against Tutsi members of the Banyarwandan[119] population living in North Kivu had risen dramatically since the influx of predominantly Rwandan Hutu refugees, and this together with an expulsion order for the Banyamulenge issued on 7 October 1996 by the deputy governor of South Kivu, was given as rationale for the assault.[120] The speed and precision with which the offensive occurred rapidly overcame opposition, and refugees fled the camps. By early November the AFDL Coalition reached the camps in the Goma region.[121] The refugees initially fled

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116 Personal interview with Marie-Rose Mukamudenge, Kigali, 4 January 1997.

117 Joël Bararwerekana, 'Rapport d'activities du Bus A9240' au Comd 2 Div (Mugunga: handwritten mimeo, 14 October 1995) (c.d).

118 Gaston Iyamuremye, 'Rapport de Gestion Financière de la Commission du Patrimoine de la Communauté Rwandaise en Exil au Nord-Kivu' (Mugunga: mimeo, 30 September 1995) (c.d).

119 The Banyarwanda of North Kivu and the Banyamulenge of South Kivu are speakers of Kinyarwanda, the language also spoken in Rwanda. Many lived in Kivu before the colonial boundaries were drawn and others moved into the region during colonial times and since.

120 For a report on the persecution of Tutsi in the Masisi region of eastern Zaire see *Ethnic Cleansing Rears its Head in Zaire: Population in Masisi Suffers Untold Hardship* (Amsterdam: Médecins sans Frontières, 1996).

121 For refugee accounts of the attacks on the camps see *Zaire: "Attacked by All Sides": Civilians and the War in Eastern Zaire* (New York: Vol 9, No. 1 (A) Human Rights Watch, 1997).

west but their path was blocked by the advancing troops and most were routed back to Rwanda. Those from Bukavu and Uvira, however, were pursued west and were attacked on numerous occasions as aid organisations attempted to assist them.[122] Hundreds of thousands died or disappeared.

Paul Kagame, the mastermind behind the destruction of the refugee camps, blamed the organisations which maintained the camps for their violent demise:

> I think we should start accusing these people who actually supported these camps - spent one million dollars per day in these camps, gave support to these groups to rebuild themselves into a force, militarized refugees, and when, in the end, they are caught up in the fighting and they die I think it has more do with these people than Rwanda, than Congo, than the Alliance. Why shouldn't we accuse them?[123]

While deflecting personal responsibility for unsavoury events in the region has become a trademark of Kagame, his question is valid, although not to the extent he suggests. Primary responsibility for the attack on the camps resides with the authorities who ordered, organised and participated in efforts to destroy the camp and kill the remnants of the refugee camp population. Secondary responsibility lies with those actors who provided the means of destruction, and who were accessories to such acts by their tacit approval, their silence, or their denial of events as they occurred. But how much responsibility rests with the UN, donor governments and private aid agencies which sustained the refugee camps in the knowledge of their role in the conflict, and of the probability that the camps would attract such an assault? To what extent did their acquiescence in the status quo inculpate them in the ensuing crisis?

The next section explores this question of responsibility in relation to the options available to the humanitarian aid community, and the choices that they were forced to make. Should the 'humanitarian imperative' to save lives have taken precedence over considerations of the consequences of such action in the prevailing context of the Rwandan refugee camps?

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[122] See *Forced Flight: A Brutal Strategy of Elimination in Eastern Zaire* (Paris: Médecins sans Frontières, May 1997) excerpts of which are presented in Stephen Smith, 'MSF Accuse: 190,000 réfugiés hutus disparus au Zaire', *Libération*, 20 May 1997, pp. 1-2.

[123] As cited in Philip Gourevitch, 'Continental Shift', *The New Yorker* (4 August 1997): 42-55 at p. 55.

3. THE RELIEF RESPONSE: IMPERATIVES VERSUS CONSEQUENCES

In the Rwandan refugee camps, the negative consequences of humanitarian action stemmed from a change in two axioms of refugee management. First, adherence to norms of community-based and participatory refugee assistance created, rather than alleviated, problems associated with refugee agency and control. Text book prescriptions of refugee management that were developed in the 1980s heeded calls by Barbara Harrell-Bond and others[124] for greater refugee involvement in relief programs, and greater attention to the personal accounts of refugees, following the erroneous rejection of Cambodian refugee testimony about the Khmer Rouge. Thus these were applied to the Rwandan operation. The local leadership was appointed to liaise between the refugees and the aid agencies; the refugees were settled in the same community groups as existed in Rwanda to lessen the trauma of dislocation; and refugee testimonies were collected and disseminated.

In the rush to meet the material needs of such a large population, analyses of the history and nature of the refugee caseload were delayed. Hence refugee reports of RPF atrocities were repeated to journalists in spite of the lack of direct witnesses to the alleged events,[125] and the entire refugee program in Tanzania was constructed on a false premise. By June 1994, however, any enduring doubts within the aid community of the true nature of the refugee leadership were dispelled when an attempt to remove a known *génocidaire* from Benaco camp, Jean-Baptiste Gatete, almost caused a riot when his followers, brandishing machetes, sticks and rocks, surrounded the UNHCR compound.

Nevertheless, the same mistakes were made in Goma and Bukavu one month later, but this time it was the humanitarian imperative to save lives which prevailed over all other concerns. The difficulty of responding to the refugee influx into Goma cannot be overstated. The sheer volume of refugees was compounded by environmental constraints imposed by the hard volcanic rock and problems of access to clean water supplies, which continued for Kibumba camp long after it was resolved for the other

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[124] Barbara Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford: Oxford University Press, 1986).

[125] See *Rwanda: Death, Despair and Defiance*, pp. 1079-1084 for some of the misleading accounts reported by aid agency personnel.

sites.[126] In addition to the devastating cholera and dysentery epidemics, malnutrition rates were high, and a meningitis epidemic surfaced in late July, necessitating a mass vaccination campaign against meningitis in addition to the routine measles vaccination program. The impulse to save lives superseded all other concerns.

The second and more important axiom which was reversed in the Rwandan context and permitted the status quo to continue in the camps, was with regard to the role of powerful states. In past refugee crises such as those illustrated in previous chapters, humanitarian aid was used by states as a tool with which to pursue foreign policy objectives. In the Rwandan case, aid was used as a tool with which to avoid foreign policy engagement. The humanitarian response was a substitute for political action in a region deemed to be outside the foreign policy interests of the wealthier nations. By engaging the military in a war against cholera, the governments of the US, Israel, Japan, and Holland[127] demonstrated their concern for the 'chaos' in which the Rwandan population was embroiled, without committing to the potentially dangerous task of dealing with the *génocidaires*. They were opting for the 'apolitical' domain of humanitarian assistance even though the absence of any military initiative to remove the political leaders or at least the uniformed soldiers from the camps, permitted them to be ensconced in the humanitarian sanctuaries. Once reorganised and having re-established control in the wake of the epidemics, the political and military leadership was much harder to remove. The lack of an appropriate political mandate for the international forces led to greater problems in the long-term. The constraints on effective action imposed by limited mandates were recognised in an official inquiry into lessons learned from the UNAMIR mission in Rwanda.[128] But reflecting the pusillanimous concerns of states to remain aloof from political or military engagement, the report did not suggest a

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[126] Trucking water to Kibumba camp cost $1 million per month. Drumtra, *Site Visit to Rwanda, Zaire, and Burundi*, p. 14.

[127] The French military were active in the war against cholera, but are excluded here because they also engaged in a political response in *Opération turquoise*, albeit under a humanitarian mandate. Since the French had political interests in the region, they followed the previous axiom of professing 'humanitarian' intent to pursue foreign policy objectives.

[128] Astri Suhrke, by contrast, illustrates that UNAMIR did have various mandates to protect Rwandan civilians, including the rules of engagement drafted by Dallaire, number 17 of which specifically stated that 'UNAMIR will take the necessary action to prevent any crime against humanity'. See Astri Suhrke, 'Dilemmas of Protection: The Log of the Kigali Batallion', in Howard Adelman and Astri Suhrke (eds), *The Path of a Genocide: The Rwandan Crisis from Uganda to Zaire* (New Brunswick: Transaction Publishers, 1999), pp. 253-270 at pp. 264-265.

more robust mandate, but recommended increased measures to publicise the limits of the military role to reduce future expectations.

> Many Rwandese believed that the United Nations was there to stop the genocide and were bitterly disappointed when this was not the case... UNAMIR should have done much more to inform the public about its limited role and mandate early on, particularly for the protection of civilians at risk, so as not to give the people a false sense of security. This might have also averted disasters such as the Kibeho massacre, where internally displaced people in the Kibeho camp believed that UNAMIR soldiers would protect them from the RPA.[129]

It is beyond the scope of this chapter to delve further into analysing the purpose of military deployment if it is not to prevent civilians from being massacred. Suffice it to say that the emergence of a new normative paradigm in the post-Cold War world in which humanitarian action becomes an alibi for politicians driven to 'do something' by domestic constituents, gives humanitarian assistance an additional paradoxical consequence. Furthermore, in the Rwandan camps the purely humanitarian response of powerful nations was accompanied by a discourse which assisted in the transformation of the genocide into a 'complex emergency'. Former UN Secretary-General Boutros-Ghali called upon the international community to address the '"genocide" of hunger, thirst and disease'[130] among the refugees in Zaire. Trivialising the significance of the Rwandan genocide in this way served to put all the victims on an equal footing, and avoided the need to apportion blame. Brauman suggests that it is tantamount to calling rape a 'gynacological crisis'.[131]

By the end of 1994, it was clear that neither an international military nor civilian police force was going to be deployed to the camps to provide protection for the refugees and aid organisations. It was also clear that the presence of the former political and military leaders in the camps would at best constitute an enormous obstacle to a resolution of the crisis by blocking refugee repatriation, and at worst, would reignite the Rwandan, and possible a broader, conflict. Thus for the aid agencies present in the camps the

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[129] *Comprehensive Report on Lessons Learned from United Nations Assistance Mission for Rwanda (UNAMIR), October 1993-April 1996* (New York: Lessons Learned Unit, UN Department of Peacekeeping Operations, 1996), p. 42.

[130] *Report of the Secretary-General to the General Assembly on emergency assistance for the socio-economic rehabilitation of Rwanda* (A/49/516, 14 October 1994), paragraph 26.

[131] Rony Brauman, 'Genocide in Rwanda: We Can't Say We Didn't Know', in François Jean (ed.), *Populations in Danger 1995: A Médecins Sans Frontières Report* (Rushcutters Bay, NSW: Halstead Press, 1995), pp. 85-90 at p. 89.

humanitarian imperative to give aid wherever it was needed clashed with the duty of aid organisations to ensure that their aid does not benefit belligerent parties.[132] The aid organisations were thus required to prioritise the ethical principles to which they would adhere. Privileging the humanitarian imperative meant remaining in the camps to meet the needs of the population, regardless of the broader consequences of that action. Privileging the duty to avoid contributing to the war effort of belligerents in the camps meant withdrawing and withholding assistance. A few aid organisations decided to withdraw. The majority decided to remain. The following section explores the rationales behind the positions adopted by the aid agencies.

3.1 Weighing the Consequences

Two NGOs withdrew from the Rwandan refugee camps on ethical grounds once the emergency phase of the relief operation subsided. The French section of *Médecins sans Frontières* (MSF), and the International Rescue Committee (IRC), weighed the potential consequences of continued support to the camps against the imperative to remain, and decided to leave.[133] This decision was determined by several inter-related factors. First, while it was impossible to predict precisely what consequences the militarised refugee camps might have on the future of the refugees and the region, analogies were drawn from past experience, particularly the revival of the Khmer Rouge. As mentioned in the introduction, Alain Destexhe, who was secretary-general of MSF at the time, wrote in the *International Herald Tribune* in August 1994:

> The situation in Rwanda is beginning to have a dangerously close resemblance to Cambodia in the 1980s, when humanitarian aid provided by the international community revived and boosted the Khmer Rouge war effort.
>
> If the United Nations does not act immediately to ensure safe conditions for the return of the Rwandan refugees, it will be too late to prevent the authors of the genocide from asserting control over the refugees.[134]

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[132] Article 23 of the Fourth Geneva Convention of 1949 is the basis for the 'right' to give humanitarian assistance, but permits belligerents to refuse passage of aid if it is diverted from its destination or gives definite advantage to the military efforts of an enemy.

[133] This analysis more fully reflects the position of MSF than IRC since I am more acquainted with the arguments of the former. However, an interview with Roy Williams, formerly of IRC, confirmed that the organisation debated whether to leave or remain in the camps, and withdrew for moral reasons. It was the first time in 64 years that the IRC board had made such a decision. Personal interview, 2 October 1997.

[134] Destexhe, 'Hurry to Prevent a Cambodian Epilogue'.

MSF engaged in rigorous internal debate over the dilemmas posed by working in the refugee camps, and framed the question in terms of the purpose or finality of humanitarian aid, asking whether the organisation could refuse to assist a population in distress in the name of moral principles. Ultimately, strong predictions that the camps would create greater problems in the future were invoked.

> Far from participating in the resolution of the conflict, international aid perpetuates the situation and, worse still, prepares the crisis of tomorrow... when they refuse to take into account the context in which they operate, in the name a misunderstood neutrality, the international organisations prepare... the worst for tomorrow.[135]

The lack of international support for initiatives proposed by UNHCR and others to demilitarise the camps, and the probability that the overall status quo would remain, heightened the second consideration in arguments to withdraw. Should a humanitarian aid organisation professing to alleviate suffering be an accomplice to a system which so obviously violates this fundamental principle? NGOs do not have a mandate to react to every situation in which there are humanitarian needs, but choose between those they respond to and those they do not. The question of complicity in strengthening a regime responsible for committing genocide was particularly strong, since it was the aid mechanisms themselves in the camps which permitted the former government to retain control over the refugee population. As illustrated throughout this thesis, it is not unusual for aid to have unavoidable side-effects. But in the case of the Rwandan camps it was nothing but the aid which was sustaining the viability of the old regime, and was actually being used against the refugees, through distribution mechanisms, health structures, refugee administration, and policing initiatives. MSF drew the line when aid was turned against the very people it was trying to assist, and withdrew from the camps.

The prospect of withdrawing aid from the camps inevitably raised the question of the fate of the *bona fide* refugees in the camps. This was the point on which advocates of a withdrawal found their staunchest critics. The arguments espoused by the United Nations High Commissioner for Refugees, Sadako Ogata were indicative of the prevailing discourse. Asked why UNHCR did not withdraw, she replied: 'there were also innocent refugees in the camps; more than half were women and children. Should

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[135] Médecins sans Frontières, *Pourquoi nous quittons les camps de réfugiés rwandais* (Paris: MSF, December 1994), p. 1.

we have said: you are related to murderers, so you are guilty, too?'[136] But MSF viewed it as a systemic problem, not as a question of whether individual refugees deserved food or not. 'It is not the aid given to children which must be questioned' wrote Dominique Martin, one of the MSF directors in Paris, 'but the logic of the system where the populations are used by their "shepherds" for political ends. They serve as hostages, bait for international aid which permits the refugee leaders to build up their political strength.'[137] Nevertheless, the question remains of whether IRC and MSF would have withdrawn had they been the only organisations operating in the camps, knowing that a loss of life might result. It is doubtful, if the case of Tanzania is any indication. A few cases of cholera were diagnosed in Benaco camp in December 1994 just as MSF was leaving which prompted its offer to extend until the epidemic subsided. UNHCR declined the offer and in the event the outbreak did not spread. It is ironic that on the one hand the immediate replacement with other aid organisations of those withdrawing on moral grounds diminished the impact of the point they were making. Solidarity among NGOs and a joint commitment to take a stand would have strengthened the weight of the argument. On the other hand, the immediate substitution of one NGO with a queue of others eased the anguish of leaving.

Other aid agencies grappled with the moral dilemmas in the camps and divergences of opinion were common. The emergency operations manager for CARE UK, James Fennell, for example, recommended that CARE only continue assistance to the camps on the proviso that the international community brings the *génocidaires* to justice. CARE UK's former Chief Executive, Charles Tapp, however, publicly distanced himself from Fennell's comments. He acknowledged that 'we are going to be feeding people who have been perpetrating genocide', but considered that 'our remit is to provide humanitarian assistance. That is what we have to do'.[138] UNHCR also faced calls for its withdrawal from the Rwandan refugee camps from internal staff and external advisers. Internally, calls for the deployment of an international military presence resounded, and one position paper suggested that if no such assistance

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[136] Cited in Ray Wilkinson, 'The Heart of Darkness', *Refugees*, No. 110 (Winter 1997): 5-13 at p. 9.

[137] Dominique Martin, 'Face à l'inacceptable dans les camps de réfugiés ruandais' (Paris: MSF mimeo, n.d.), pp. 2-3.

[138] Mark Huband, 'Aid or Justice for Rwanda?', *The Observer*, 31 July 1994, as cited in *Rwanda: Death, Despair and Defiance*, p. 1091.

eventuates, 'UNHCR should seriously consider and be prepared to pull out'.[139] The paper suggested that an United Nations Border Relief Organisation (UNBRO)-style organisation could take the place of UNHCR, containing no protection role, but only relief functions.

Externally, Professor Guy Goodwin-Gill also questioned the logic of UNHCR's continued presence in the camps of Zaire. Pointing out that the mandate of UNHCR is not to provide material assistance but is the protection of refugees, he suggested that, after the initial emergency was over, some serious re-analysis should have been undertaken. 'At that point, and in the face of the international community's unwillingness to take the necessary supportive steps, UNHCR's inability to fulfil its primary responsibility *to provide international protection* to refugees, let alone promote its declared objective of facilitating return, might well have conditioned a response to withdraw.'[140]

The International Protection department of UNHCR, however, determined that 'the mandatory function entrusted to UNHCR by the international community in assisting host countries to cope with refugee influxes... justifies our continued presence even under the most trying circumstances'.[141] The High Commissioner agreed. 'My mandate – unlike those of private aid agencies – obliges me to help'.[142] Moreover, there were fears inside UNHCR that a withdrawal could make UNHCR irrelevant in refugee contexts of the future, particularly in light of the growing aversion to refugee asylum and erosion of the central tenets of refugee protection.[143] Such a fear was not unfounded: the dominant role of North Atlantic Treaty Organisation (NATO) in providing for the Kosovar refugees in 1999 could be the start of a trend of marginalising UN structures when it suits powerful nations to do so. Thus UNHCR remained present in the camps and searched for innovative solutions to the impasse in voluntary refugee repatriation caused by the presence of the political and military leaders in the camps, and conditions inside Rwanda.

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139 S. Lombardo and K. Paul, *Position Paper on International Protection Issues in Eastern Zaire*, 20 October 1994 as cited in *Lessons Learned from the Burundi and Rwanda Emergencies*, p. 15.

140 Guy Goodwin-Gill, 'Rwanda-Zaire: Refugee Camps and the Protection of Refugees', *International Journal of Refugee Law* 8, No. 4, (1996): 630-639 at p. 632 (emphasis in original).

141 A paper presented to the High Commissioner by the Director of International Protection on 18 November 1994, cited in *Lessons Learned from the Burundi and Rwanda Emergencies*, p. 16.

142 Cited in Wilkinson, 'The Heart of Darkness', p. 9.

3.2 *The Imperative to Remain*

UNHCR played an unenviable role in the Rwandan refugee crisis as intermediary between the various stakeholders. The organisation was required to contend constantly with the conflicting demands of the Zairean authorities, the refugees, the camp leadership, the Rwandan Government, the NGOs, and the institutional donors while trying to uphold its own mandate to provide protection to refugees. Several options to alleviate the problems in the camps were explored by the UN, including moving the camps further from the border,[144] and hiring a private security firm to police the camps, but these were rejected on financial and logistical grounds.[145] The lack of alternatives placed the onus on UNHCR to find a 'durable solution' to the crisis, the obvious being repatriation to Rwanda. But the challenge was to reconcile the principles embedded in refugee law, particularly with regard to the voluntary nature of repatriation and security guarantees for returnees, with the competing demands of the donors and the Rwandan government to resolve the refugee problem, and the determination of the refugees to remain in exile.

In the latter half of 1994, UNHCR withstood considerable pressures from other UN agencies and donors, and suspended its role in repatriation due to concerns raised in the Gersony report about the safety of returnees. By December repatriation resumed, but the number of returnees dropped from 800 per day in February to none following the Kibeho massacre in April 1995.[146] The refugee *refoulement* from Zaire in August shifted

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[143] Jean-François Durieux, UNHCR Geneva, personal communication, 8 August 1997.

[144] Recall that UNHCR and host states are urged to establish refugee camps 'a reasonable distance' from international borders. See 'No. 48 (XXXVIII) Military or Armed Attacks on Refugee Camps and Settlements' (Executive Committee - 38th Session, 1987) in *Conclusions on the International Protection of Refugees Adopted by the Executive Committee of the UNHCR Programme* (Geneva: UNHCR, 1991), pp. 109-111 at p. 111. This is generally considered to be about 50 km.

[145] In September and October 1994 a joint UNHCR/UNAMIR team inspected sites proposed by the Government of Zaire on which to construct military camps. Assuming that the military would have been willing to move, the option was still judged to be too costly and logistically difficult. See *Impact of Military Personnel and the Military Presence*, p. 9. The UN Secretariat also explored the possibility of contracting a private security organisation for the camps, but the $60 million per year price tag 'undoubtedly contributed to the option being discarded'. *Refugee Camp Security in the Great Lakes Region*, p. 11. UNHCR has also been reluctant to engage private security firms for reasons of principle and accountability, and because such a measure would detract from the responsibility of host states to ensure the security, and humanitarian and civilian character of refugee camps. See *The Security, and Civilian and Humanitarian Character of Refugee Camps and Settlements* (Geneva: EC/49/SC/INF.2, Executive Committee of the High Commissioner's Programme, 14 January 1999), paragraph 16.

[146] UNHCR, *State of the World's Refugees 1995*, p. 33.

UNHCR's priority from facilitating repatriation to promoting it,[147] and initiatives such as cross-border visits and information campaigns were launched to counter the extremist propaganda in the camps. The limited success of these endeavours led to increased pressure from the donors, particularly the US, to compromise some of the principles of refugee asylum for a resolution to the refugee problem. The attack on the camps pre-empted such a move towards the refugees in Zaire, but UNHCR became less averse to forced repatriation from Tanzania in December 1996, which drew sharp criticism from human rights organisations.[148] Throughout the period UNHCR shifted its approach to the refugee issue in accordance with the latest priority, determined by the actions of the multiple stakeholders in the crisis. UNHCR invoked the obligations contained in its mandate as a rationale for remaining in the refugee camps, but ultimately failed to ensure either the legal or the physical protection of the Rwandan refugees.

NGOs remaining in the Rwandan refugee camps had no such mandate requirements, adhering instead to self-imposed regulations and objectives. The importance aid organisations placed on the ethical issues raised by the Rwandan crisis varied greatly. Of those that considered their presence within an ethical framework, the majority prioritised the humanitarian imperative to give assistance wherever it is needed, and relegated responsibility for the outcomes to the political domain. Although not mutually exclusive, five main areas of argument and approach can be identified among the NGOs who remained operational in the camps: adherence to the humanitarian imperative in itself; the belief in a possibility of change; a pragmatic focus on technical service delivery; a business or institutional logic; and an ideological commitment to amend the 'victimisation' of the Hutu people. Most approaches contained elements of each.

The humanitarian imperative is premised on the notion that individuals have a right to certain minimum standards by virtue of their membership of humanity, regardless of who they are or what they have done. Indeed, neutrality for some means refraining from making judgements about who does and who does not warrant assistance. Many agencies that remained operating in the camps subscribed to the importance of upholding this fundamental principle of humanitarianism - even though the consequences might be worse in the long-run. All in need were entitled to aid, the

[147] See *Rwanda and Burundi. The Return Home*, p. 49.

purpose of which was not to solve the crisis or address the causes, but to treat the symptoms. The rest is inherently political and thus not compatible with the neutral and impartial nature of aid. Peter Walker of the International Federation of the Red Cross and Red Crescent Societies (IFRCRC), a staunch defender of the humanitarian imperative, considered that leaving the camps was analogous to refusing to treat an injured drunk driver in order to prevent the driver from repeating the act.[149]

Considerations of the potential longer-term consequences of the camps, including their possible role in the prolongation of conflict, caused consternation among many agencies, but was ultimately deemed to be the responsibility of the political actors who had failed to meet their responsibilities to ensure the civilian nature of the camps. Some agencies also disputed that the outcome would inevitably be pernicious, and argued that the short-term consequences could be more accurately predicted than those of the future. Nick Stockton from Oxfam, for example, argued that the removal of water distribution services from the camp was more certain to provoke a large loss of life than the future of the refugee camps per se.[150] Oxfam frequently debated withdrawing from the camps but decided to remain, judging that the rights of the refugees to receive aid superseded the problems derived from supplying it. It was considered to be morally and legally unacceptable to achieve a punishment by the withdrawal of rights.[151] One set of rights, it was argued, cannot be sacrificed to achieve another.

While debating many of these issues, some NGOs were swayed in their decision to stay by a commitment to try to influence the way the camps were administered to minimise the perverse effects of humanitarian assistance. Some, such as the Dutch and Belgian sections of MSF, felt that their ability to continue to lobby for change in the camps would be jeopardised by leaving.[152] Organisations have far greater access to information and stronger legitimacy when operational than on the sidelines, and continued operations could be used to engage donors more in the process they were financing.

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148 Raymond Bonner, 'Refugee Agency's Rwanda Policy Is Assailed', *International Herald Tribune*, 23 December 1996, p. 7.

149 Peter Walker, Director of Disaster and Refugee Policy, International Federation of the Red Cross and Red Crescent Societies, personal interview, 5 August 1997.

150 Nick Stockton, Emergencies Director, Oxfam. Personal Interview, 22 August, 1997.

151 ibid.

152 MSF produced two reports aimed at lobbying for change, *Breaking the Cycle* (Amsterdam: MSF, November 1994) and *Deadlock in the Rwandan Refugee Crisis: Virtual Standstill on Repatriation*

Hence some NGOs worked together to pressure for changes in the camps and through conducting a '*résistance humanitaire*',[153] managed to reduce the quantity of aid resources that were diverted to the military. As mentioned earlier, a coalition of NGOs[154] lobbied for change and threatened to withdraw from the camps in Zaire unless security conditions and access to the vulnerable improved. They also advocated for and assisted in conducting censuses to reduce inflated population figures, and together reduced the number and salaries of local employees, previously higher than for equivalent positions in Rwanda, to limit the tax imposed by the military. Furthermore, the payment of local salaries was changed from $US to local currency among the larger NGOs. Implementing these changes was dangerous in the insecure context of Zaire,[155] and personnel of aid organisations received death threats and were menaced. Nevertheless, some of the lobbying had a positive effect and security in the camps improved.

The third and most prevalent approach adopted by NGOs was a pragmatic focus on the technical provision of relief. While some agencies may have favoured a pragmatic approach in their construction of a moral hierarchy, most of these NGOs overlooked the ethical issues posed by operating in the militarised refugee camps. As illustrated in each of the earlier case-studies, the technical focus tends to judge the success and failure of programs by the achievement of practical standards such as the number of litres of water available per person, the malnutrition rates in the camps, the vaccination coverage achieved, or the numbers of children attending school. The Joint Evaluation of Emergency Assistance to Rwanda exemplified this perspective, assessing the performance of NGOs according to professional standards. The ethical issues were ignored. The only reference made to the withdrawal of MSF from the camps was in relation to service delivery:

(Brussels: MSF International, July 1995). The remaining MSF sections withdrew from the camps in late 1995.

153 Alex Parisel, General Director of MSF in Brussels (formerly the Head of MSF-B in Goma), personal communication, 7 January 1999.

154 The NGOs which signed the petition were: MSF (3 sections), CARE (6 sections), IRC, American Refugee Committee, *Farmacenticos sin Fronteras, Centre Canadien d'Etude et de la Coopération Internationale*, Oxfam, and *Médecins du monde*.

155 In Tanzania threats were also made against staff, but fewer agencies actively challenged the misuse of aid. Concern was the only agency responsible for food distributions that attempted to change the system to minimise diversions. The attempt in Lumasi camp was successful. See Johan Pottier, 'Why Aid Agencies Need Better Understanding of the Communities They Assist: The Experience of Food Aid in Rwandan Refugee Camps', *Disasters* 20, No. 4 (1996): pp. 324-337.

> This withdrawal meant that other agencies, in some cases less experienced than MSF-France, had to take-over the services provided by the agency. The [Joint Evaluation] Team were [sic] unable to assess the extent to which this had a negative impact on the quality of services provided to the refugees in those camps where MSF-France had worked.[156]

By ignoring the ethical issues of the camps and emphasising technical standards, some of the NGOs undermined efforts of agencies that were striving to minimise the abuse of aid. The levels of assistance provided to the camps was disproportionate to that given to local Zairean and Tanzanian populations, and to the interior of Rwanda. Of the total emergency assistance provided by donors from April to December 1994, only one-third was spent inside Rwanda,[157] and much of that was allocated to the internally displaced Hutu populations. The disparities in aid were a source of resentment by the Rwandan Government. Relatively sophisticated vocational training and psycho-social programs were being conducted in the camps while rudimentary improvements to the justice system in Rwanda were ignored, in spite of the widespread acknowledgment that justice was a pre-requisite to breaking the cycle of impunity that plagued Rwanda, and was essential to the start of reconciliation. While rejecting the idea that refugees anywhere prefer to remain in camps due to the services provided than return to their homes, UNHCR and the NGO coalition considered that the special nature of the Rwandan camps warranted reduction of services to a minimum to curb aid abuses by the former regime and encourage repatriation. They implemented changes and encouraged other agencies to do likewise, but some NGOs continued to implement camp improvements and continued to augment the number of refugees employed.[158] Moreover, some NGOs ignored the ethical implications of having *génocidaires* on their payroll and did not screen either existing or new recruits to the agency.[159]

For many NGOs working in the camps there was an element of institutional logic which influenced the way in which they reacted to the crisis. There can be a thin line between lobbying for action to prevent or stem a crisis, and raising the funds necessary to react to

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156 Borton et al., 'Humanitarian Aid and its Effects', endnote 36, p. 48.

157 Tor Sellström and Lennart Wohlgemuth, 'Historical Perspective: Some Explanatory Factors', Study 1 in David Millwood (ed.), *The International Response to Conflict and Genocide: Lessons from the Rwanda Experience* (Copenhagen: Steering Committee of the Joint Evaluation of Emergency Assistance to Rwanda, 1996), p. 5. See footnote 64 for the disparities in US allocations to the regional humanitarian crisis vis-à-vis Rwanda, which exemplifies this larger trend.

158 See Jeff Drumtra, *Rwandan Refugees: Updated Findings and Recommendations* (Washington: US Committee for Refugees, October 1995), p. 4.

159 ibid.

it. NGOs are dependent on securing finance to mount an operation through contracts with the UN, project funding from donor agencies, and private contributions from the general public or private corporations. Advertising is expensive, so when the media cover a disaster, the free publicity for organisations interviewed or filmed is immeasurable. For many, the intense media coverage of the refugee exodus and cholera epidemic in Goma meant that they could not afford not to be present.[160] Thus the necessity to find a niche and become operational took precedence for many over analysing the context. And once lucrative contracts were obtained from UN and donor agencies, the prospect of leaving became even more remote since it could jeopardise all future relationships with the donors.[161]

The compulsion to be visible generated competition among aid organisations, particularly in Goma. Flags, stickers and t-shirts bearing the logos of organisations, once a protective measure to alert belligerent parties of a humanitarian presence, became turf markers in the battle to secure a niche. In an article entitled 'Did you see me in Goma?: War of logos in the supermarket of NGOs' Richard Dowden remarked that the atmosphere in Goma gave the impression that an election was under way, with the agencies 'exhibiting their name and their logo in the manner of soft-drink manufacturers.'[162] The stiffest competition revolved around media-friendly tasks such as managing orphanages and organising family reunions. Constructing latrines and spraying for vector control rarely sparks the imagination of journalists the way that orphan babies do. Thus for many aid organisations operating in Zaire, the priority was to mount a high-profile program, raise the organisation's profile at home, and replenish bank accounts to ensure the continued viability of the organisation as a whole.

Finally, there were some aid agencies present in the Rwandan refugee camps which sympathised with the cause espoused by the Hutu hardliners and assisted the refugee leaders to this end. Most aid workers in the camps were influenced by the context in

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160 Save the Children-UK did not intervene in Goma due to a lack of available resources, thereby forgoing considerable fundraising revenue which some members of the organisation such as the future representative for SCF in Rwanda, David Shearer, thought was foolish. John Seaman, one of the senior directors in London, however, believes that the delay provided 'the luxury of a period of thought'. SCF avoided the moral turmoil through working on reconstruction in Rwanda. Personal communications, August 1997.

161 The relationship between UNHCR and the French section of MSF deteriorated markedly as a result of the withdrawal. UNHCR asked how they could rely upon MSF in the future.

162 Richard Dowden, 'M'as-tu vu à Goma? Guerre des logos au supermarché des ONG', *Courier International* No. 202 (15-21 September 1994): 33 (reprinted from the *Independent on Sunday*).

which they worked and their relationships with the local population, and expressed compassion towards the predicament of the refugees. But for a few agencies, the support went beyond this, particularly those agencies attached to the Catholic church. Caritas provided food to the Panzi and Bulonge military camps near Bukavu and defended their decision to Human Rights Watch Arms Project, saying that Caritas had 'no choice' because no other organisation was prepared to feed them and that 'they have to eat, they are not all murderers'.[163] The decision was further justified in the Caritas Information Report No. 7 of September 1995 as a preventive measure to stop camp inhabitants stealing food from other refugees. 'The starving refugees of Bulonge will not let the WFP trucks pass to distribute goods to their neighbours in Cimanga, and those of Panzi will probably try to stop and to pillage the trucks destined for Nyangezi'.[164] Such an image of destitute and starving military personnel is at odds with evidence provided earlier in the chapter, but if this was true, a case could perhaps be made for such a pragmatic approach. However, other messages emanating from Caritas and its associate organisations under the church umbrella indicate that their sympathies were biased against the new Rwandan regime. Claims of a double genocide permeate articles written by Caritas staff,[165] and in documents produced by religious reflection groups in Bukavu.[166] Furthermore, François Nzabahimana, director of the RDR, was formerly the president of the Executive Committee of the White Father periodical *Dialogue*, and had strong links with the Bukavu groups. His material received endorsement through publication in the collection of works by the *Groupe Jérémie*, including the RDR

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163 *Rwanda/Zaire: Rearming With Impunity*, footnote 67, p. 16.

164 Abbé Pierre Cibambo, 'Caritas – Info no. 7' (Bukavu, September 1995) in Philippe de Dorlodot (ed.), *Les réfugiés rwandais à Bukavu au Zaire: De nouveaux Palestiniens?* (Paris: Groupe Jérémie and L'Harmattan, 1996), pp. 225-232 at p. 232. This book contains a collection of articles, speeches, information reports and letters written by Catholic groups in Bukavu.

165 See, for example, Alphonse Ngamije, Agent de la Caritas à Goma, 'Réfugiés Rwandais: Quel Avenir?', *Dialogue*, No. 181 (March 1995): 27-32 at p. 31.

166 A piece written on 26 July 1994 by Philippe de Dorlodot, the editor of the collection of texts from the Catholic church, discusses the treason that the Hutu felt at the loss of their country to the minority Tutsi. He states that an objective view of Rwandan history is indispensable to understanding the stakes, particularly 'the will of the minority Tutsi to reconquer the power'. He claimed that the West was manipulated and ill-informed of facts concerning the Hutu-Tutsi problem. 'There are **two genocides in Rwanda**' (emphasis in original). 'Quelques vérités sur l'enfer rwandais', in Philippe de Dorlodot (ed.), *Les réfugiés rwandais à Bukavu au Zaire: De nouveaux Palestiniens?* (Paris: Groupe Jérémie and L'Harmattan, 1996), pp. 88-89 at p. 88.

declaration and a report citing the presence of 4 million refugees in Zaire.[167] The work was published in 1996, long after the RDR was known to follow a hardline agenda.

The question remains, then, of the extent to which aid organisations that supported the camps share responsibility for the consequences. The death of 4,000 camp inhabitants due to violence in the camps, mentioned earlier, is significant in itself. But the destruction of the camps and massacres that followed claimed many more victims. Had the refugees not been routed back to Rwanda by the AFDL - the timing of which suggests that its aim was to quash the rationale for an international military intervention that might otherwise have interfered with the push for Kinshasa – the consequences might have been worse. As it is, the total cost in human lives is still not known: by July 1997, UNHCR recorded a return to Rwanda of 834,000 refugees, and another 52,000 were located in Zaire and its neighbouring countries, leaving some 213,000 unaccounted.[168] Thousands of these are known to have been killed.[169] Thus the aid regime established to protect the refugees actually endangered them.

Chapter 1 noted two important factors to be considered in apportioning liability: the knowledge on which aid organisations based their decisions, and their capacity to have acted differently. Looking briefly at each in turn, it is interesting to note how few agencies referred to experience gained in the past through working in militarised refugee camps. The previous chapters illustrated the similarity of problems faced by aid agencies in other refugee contexts, particularly Cambodia, yet few in the aid community reflected on the parallels. Aid organisations also had knowledge of the possible destruction of the camps as Kagame repeated his threat on several occasions. Doubts about the Rwandan Government's determination to resolve problems of this kind should have been dispelled by the massacre at Kibeho in April 1995. Thus aid organisations could not claim ignorance of the manipulation of humanitarian action in the camps; the threats

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[167] François Nzabahimana, 'La situation dans les camps', and François Nzabahimana, 'Rassemblement pour le Retour et la Démocratie au Rwanda (RDR)' in Philippe de Dorlodot, *Les réfugiés rwandais à Bukavu au Zaire: De nouveaux Palestiniens?* (Paris: Groupe Jérémie and L'Harmattan, 1996), pp. 134-136 and pp. 179-181 respectively.

[168] UNHCR, *The State of the World's Refugees: A Humanitarian Agenda* (Oxford: Oxford University Press, 1997), p. 23. The number of refugees who fled west was the subject of acrimonious debate in the wake of the offensive, and diverted attention from the crucial issue of how to assist these people. Statistics are notoriously unreliable: the Rwandan genocide is estimated to have killed between half a million and one million people, meaning 500,000 give or take 500,000. There is no hierarchy of horror. Ten thousand deaths is not less atrocious than 100,000. Josef Stalin reputedly said: one death is a tragedy, one million deaths is a statistic.

[169] See Bradol and Guibert, 'Le temps des assassins', pp. 144-148.

made to close them; or the consequences of the militarisation of refugee camps in the past for the welfare of the refugees and future stability of the country.

Their capacity to change the situation, however, was more limited. Without the capability to remove the former regime from the refugee camps, aid agencies could only chose between remaining or withdrawing. Most rejected the option of withdrawal; Slim says that to have withheld aid meant working on the principle of 'doing evil that good may come' – a principle he says would make an absurdity of the humanitarian mandate of relief agencies.[170] But the idea that withholding aid is doing evil presumes that external aid is indispensable to the survival of the refugees. This assumption warrants challenging; even a cursory glance at results of the Rwandan refugee return suggests that aid organisations may exaggerate their importance to the survival of vulnerable populations.

Once forced back from Zaire, the refugees were required by the Rwandan Government to return immediately to their home *communes*. The establishment of transit or internally displaced person (IDP) camps was prohibited to avoid problems like those of Kibeho resurfacing, and aid activities were restricted to the provision of dry food, water and emergency medical care at way-stations along the road. The aid organisations were indignant about their restricted role, which was further reduced during the refugee repatriation from Tanzania for which only two aid organisations, the Rwandan Red Cross and IFRCRC were authorised to assist. The result, however, was that road congestion was minimised and the refugees returned to their home *communes* with few problems that the presence of aid personnel could have averted.[171] This was not the first time that successful relief operations occurred with minimal or no assistance from international agencies: relief programs for Sahrawi refugees in Algeria in the 1970s and Afghan refugees in Iran in the 1980s were undertaken without international aid. In Iran,

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[170] Hugo Slim, *Doing the Right Thing – Relief Agencies, Moral Dilemmas and Moral Responsibility in Political Emergencies and War* (Uppsala: Report No. 6, Studies on Emergenices and Disaster Relief, Nordiska Afrikainstitutet, 1997), pp. 12-13.

[171] It should be mentioned, however, that the absence of a major cholera outbreak among refugees returning from Zaire was probably due to enduring partial immunity to the disease since the entire population of Goma was infected with the cholera bacterium in 1994 (only a small percentage develops severe symptoms). No one is sure how long such immunity lasts, but the low incidence in 1996 suggests that it could be for two or more years. Of those who did contract the infectious disease, the case-fatality rates were low due to the preparation and skill of aid workers. I am grateful to Dr Ron Waldman of the Program on Health Consequences of Forced Migration at Columbia University for a discussion of this point (11 January 1999).

over 2 million refugees were integrated into the local community without the establishment of parallel services as occurred for the Afghan refugees in Pakistan. And when UNHCR personnel gained access to the Sahrawi refugee camps in the Algerian desert in the 1980s, they found the camps to be so well organised that no further intervention was necessary.[172] The assumption that the withdrawal of assistance necessarily condemns refugees to an unacceptable fate does not withstand scrutiny.

A further point to consider in any assessment of the responsibility of aid organisations for the consequences of the camps is that the choice they faced between remaining in the camps or withdrawing arose because others had already failed to uphold their responsibilities. As Henry Shue argues, the duty to aid per se only occurs once duties to avoid depriving and to protect from deprivation have failed to be performed.[173] Aid organisations do not inherit the responsibilities that others have failed to fulfil. The belligerents on both sides failed to respect international humanitarian law obliging a distinction between combatants and non-combatants, and governments failed in their responsibility to uphold and enforce such laws in refugee camps. But is it enough that aid organisations decry the 'humanitarian alibi', and blame the 'international community' for its lack of political will to deal with the causes of the crisis? After all, if Ambassador Aldo Ajello, Special Envoy of the European Union to the Great Lakes Region blames the 'international community' for the Great Lakes crisis,[174] as does Bill Richardson, US Ambassador to the United Nations,[175] who or what is the 'international community'? It seems to be a nebulous entity to which all blame can be apportioned with no responsibility assumed.

There has to be a point at which aid organisations acknowledge that by choosing to intervene and professing to alleviate suffering they undertake certain responsibilities to the people whose expectations they raise. Furthermore, they should acknowledge that they are part and parcel of the system they lament. While criticising the humanitarian

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[172] Peter Hakewill, former UNHCR medical coordinator, personal communication, January 1999.

[173] Henry Shue, *Basic Rights: Subsistence, Affluence and U.S. Foreign Policy* (Princeton: Princeton University Press, 1996).

[174] Aldo Ajello, Opening Statement at the Second International Berlin Workshop, *Improving African and International Capabilities for Preventing and Resolving Violent Conflict: The Great Lakes Region Crisis* (Berlin: Stiftung Wissenschaft und Politik, July 3-5, 1997), pp. 35-39.

[175] Bill Richardson was quoted in Gourevitch, 'Continental Shift', p. 52 saying: 'The failure of the international community to respond adequately to both the genocide and the subsequent mixing of

alibi, aid organisations are accepting the government funds that create the façade. In a sense, by fulfilling the duty to aid and appeasing public consciences aroused by the sight of suffering, aid agencies are inadvertently permitting states to abrogate their higher order responsibilities of prevention and protection.

Exploring some of the broader policies pursued by donor governments with respect to the Rwandan crisis raises further questions about how aid organisations can reconcile their duty to vulnerable populations with the often conflicting concerns of the institutions that finance their activities. The attainment of stability, however superficial, was the principal policy pursued by donors in Rwanda in the aftermath of the genocide, superseding all other issues, including human rights and justice. It is ironic that the same donor community that funded the largest source of insecurity to Rwanda sought stability inside the country to such an extent that it suppressed the Gersony report that alleged serious human rights abuses by members of the new regime.[176] Although justifiably embarrassed to censure human rights abuses of the Rwandan Government after having done nothing to stop the genocide, and permitting *génocidaires* to live with impunity in UN-sponsored refugee camps, the dismissal of excesses as 'normal' after such a tragedy aided the rise of hardliners in the government at the expense of the moderates.[177] Donors had leverage with the new government; when cautionary representations were made in the wake of the Gersony report and prior to the donor conference of January 1995 in Geneva, the killings reduced markedly.[178] But once the $587 million was pledged, 'the killing spree started again', according to former Interior Minister Seth Sendashonga,[179] culminating in the Kibeho massacre of April 1995.

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genocidal killers with the legitimate refugee population in the former eastern Zaire only served to prolong the crisis'.

176 The Joint Evaluation of Emergency Assistance to Rwanda remarked that the Gersony Report was suppressed because 'had it been officially released at the time it would have reduced the legitimacy of the new government and severely jeopardized efforts by UN agencies and many of the donor organisations to assist the new government to establish an effective administration'. Borton et al., 'Humanitarian Aid and Effects', footnote 49, p. 49.

177 Three senior Hutu members of the government were sacked in August 1995, the Prime Minister, Faustin Twagiramungu, the Minister of Interior, Seth Sendashonga, and the Minister of Justice, Alphone-Marie Nkubito. Twagiramungu, in particular, had been publicly critical of the 'parallel government' which had formed its own army and a 'ministry of walkie-talkies' from the diverse secret service organisations. See Stephen Smith, 'Twagiramungu, martyr de la réconciliation', *Libération*, 30 August 1995, p. 6. See also Prunier, *Rwanda: Update to End July 1995*, for a discussion of the rise of hardliners to power within the government.

178 *Leave None to Tell the Story*, p. 14.

179 Seth Sendashonga's outspoken criticism of the Rwandan Government after his departure led to an attempt on his life in Nairobi in February 1996. The would-be assassin, Francis Mugabo, was in

The international reaction to the Kibeho massacre and its aftermath exemplified the political expediency dominating donor policies towards Rwanda. Although several donors suspended non-humanitarian aid to Rwanda following the massacre to show their concern at the human rights violations,[180] aid was resumed within one month upon the publication of the report of an 'International Independent Commission of Inquiry' into the massacre,[181] despite the flagrant sham created by the Commission. Four features of the Commission and its findings are particularly salient. First, the legitimacy and independence of the Commission was highly questionable. It was proposed by and answerable to the accused party, the Rwandan Government, and the Rwandan representative appointed to the commission was Christine Umutóni, a former Director of Cabinet and part of the Ugandan inner circle (*Akazu*) of the RPF.[182] Created as an ad hoc body, the Commission was not accountable to an established institution, thereby minimising potential follow-up.

Second, and indicative of its lack of independence, the Commission failed to determine even a range of the number of deaths at Kibeho. The Rwandan Government alleged 334 fatalities, and the UN counted 4,000, although revised the offical figure to 2,000. The Commission avoided comment, suggesting on the one hand that 'the numbers are more than those formally counted in the Kibeho camp', and on the other, noting 'the unusual discrepancy between the various initial counts and estimates of fatalities and the actual number of non-fatal casualties, suggesting over-estimation in the initial fatality counts and estimates.'[183] Putting aside the obvious alternative - that all the injured were killed –

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charge of visas at the Rwandan Embassy in Nairobi. Since he held diplomatic immunity he was deported to Rwanda. Sendashonga was murdered in May 1998, shot in his car on his way home from a meeting. Gérard Prunier, personal communication, 17 November 1999.

180 The US suspended non-humanitarian assistance; Belgium suspended part of its bilateral aid; and the Netherlands and the European Union froze their assistance. The British, by contrast, took no punative action. Anton Barré, David Shearer, Peter Uvin with contributions from Christian Scherrer, *The Limits and Scope for the Use of Development Assistance and Disincentives for Influencing Conflict Situations, Case Study: Rwanda* (Paris: Informal Task Force on Conflict, Peace and Development Co-operation, Development Assistance Committee, OECD, 1999), p. 18.

181 The Commission was officially established on 27 April 1995 and consisted of 10 members, representing France, Belgium, Canada, the US, the UK, Holland, Rwanda, the Organisation of African Unity and the UN. It submitted its report to the Rwandan Government on 18 May 1995.

182 See Jean-Pierre Mugabe, 'The Killings Resume: Preparing for the Next Rwandan War', *Strategic Policy*, No. 4, 1999 http://www.strategicstudies.org/crisis/rwanda.htm (accessed 22 July 1999). Umutoni was probably the only Kinyarwanda speaker among the commission members, giving her privileged access to interviewees. It would be interesting to know whether the government provided the translators for the commission members.

183 *Report of the Independent International Commission of Inquiry on the Events at Kibeho, April 1995* (Kigali: Submitted to the Government of Rwanda, 18 May 1995), p. 10.

it is surprising that an estimate could not be made considering the presence of a forensic specialist in the investigative team, and the testimony of UN peacekeepers who physically counted 4,000 dead and 650 wounded with a pace counter before they were halted by an RPA patrol.[184]

Third, through the omission or glazing over of important facts, the report was biased in favour of the government position. For example, despite mentioning that of the 70,000 IDPs that had returned home from Kibeho by March 1995, 60 percent had stayed home (hence 40 percent had not),[185] the Commission failed to acknowledge the legitimate fears that the IDPs had of conditions at home. These included: widespread incidents of violence and insecurity throughout the country; the growing number of arrests of genocide suspects, many of whom even the government admitted were innocent;[186] and the illegal occupation of houses by returnees from the Tutsi diaspora, complaints against whom could result in false accusations of guilt and hence imprisonment. Instead, the Commission emphasised the Rwandan Government rationale for wanting the camps closed, primarily strong suspicions that the camps sheltered *génocidaires* who were responsible for continuing instability in the south. The Commission found that the action of the RPA was 'disproportionate and, therefore, violative of international law', but offered five factors as explanations, bordering on justifications, for the slaughter, including deficiencies in communication, equipment, training and experience. These findings partly explain the reluctance of the Commission to verify the number of deaths: at some point the argument in favour of the 'accidental' nature of the killings would have been hard to sustain.

The fourth feature and *pièce de résistance* of the report is that it apportions responsibility for the deaths at Kibeho among the RPA, NGOs, UNAMIR and the unidentified armed elements among the IDPs. In other words, the report concludes that the failure of UNAMIR and the aid agencies to persuade or coerce the internally

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[184] Colonel Peter Warfe, *Recent examples of the application of International Humanitarian Law in conflict situations* (Hobart: Address to the Australian Red Cross National Conference, International Humanitarian Law: The Challenge of Effective Implementation, 22-23 July 1999). Colonel Warfe was the force medical officer of the Australian contingent in UNAMIR II in April 1995. In spite of the number of dead counted by the Australians, the official UNAMIR death figure was put at 2,000. Warfe says that this figure was a compromise between numbers submitted by the force provost marshall, the Zambian Batallion and the Australian troops. Military observers also reported seeing the RPA exhuming bodies in the camp and transporting them elsewhere.

[185] *Report of the Independent International Commission of Inquiry*, p. 6.

[186] Adelman and Suhrke, 'Early Warning and Conflict Management', endnote 132, p. 94.

displaced to leave the camp carried the same weight as opening fire with machine guns on a crowd of detained men, women and children. Having effectively excused the Rwandan authorities of wrongdoing and paved the way for the resumption of aid, the report closes with the recommendation to the international community 'to continue encouraging and assisting the Rwandan Republic in its efforts to achieve justice, national reconciliation and reconstruction'.[187] It was only a small step from 'resolving' the IDP problem at Kibeho to 'resolving' the refugee problem in Zaire, and all in tune with the donors' objectives.

In many respects it is not the Commission's report in itself that is the most tragic aspect; inaccurate or biased reports are nothing new. It is the acceptance of such an overtly flawed report by donor governments, journalists, the UN and NGOs alike. Rather than challenging the validity of the findings and uniting to denounce the violation of human rights and to reassert humanitarian principles, international agencies blamed each other, and further deflected responsibility from the people who undertook the killing. Philip Gourevitch, one of the apologists for the Kibeho massacre, cites the deputy chief of the UN Human Rights Mission in Rwanda, Mark Frohardt, as saying:

> I have no intention of trying to justify the manner in which Kibeho was closed... but I do believe that it is important to understand that the inability of the relief organisations to coordinate a successful operation set the stage for the tragedy that followed. Once the army saw that the efforts of relief agencies to move people out of the camps were ineffective, they knew they were the only institution, or force, in the country capable of closing the camps.[188]

In spite of his role as a human rights official, he seems to suggest that aid organisations should have transported people home against their will and with no guarantee of safety, in order to avoid a massacre he suggests was otherwise inevitable. Yet to blame NGOs for the massacre is absurd. The men who ordered and carried out the killings are to blame for the massacre. Aid agencies had stopped providing assistance to the camp and had no access to the population. After that, the refusal to participate in such a process is a legitimate ethical choice. As Rony Brauman has articulated in reference to other situations, 'deciding to act means knowing, at least approximately, why action is

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[187] *Report of the Independent International Commission of Inquiry*, p. 13.

[188] Philip Gourevitch, *We Wish To Inform You That Tomorrow We Will Be Killed With Our Families: Stories from Rwanda* (New York: Farrar Straus and Giroux, 1998), p. 205.

preferable to abstention.'[189] Had international personnel been aware that the RPA would open fire on the displaced population if they did not leave the camps, then they were obliged to pressure the Rwandan Government to prevent human rights abuses, rather than participate in the violation of one set of rights to achieve another.

The DPKO 'lessons-learned' report absolves the Rwandan regime of responsibility even more thoroughly, not even mentioning the bullets, but blaming a lack of coordination for the massacre.

> One instance when the coordination mechanism of the integrated operations centre failed was in the Kibeho camp for internally displaced people in late April, 1995. The Government's decision to close the camp, by force if necessary, resulted in a stampede in which many people lost their lives. Some of those interviewed stated that if the Government, UNAMIR and the humanitarian community had coordinated well with each other by providing transportation and allowing sufficient time to those who were willing to return to their home communes, some lives could have been saved.[190]

Even a recent Organisation of Economic Co-operation and Development (OECD) study specifically analysing the role of official development assistance in producing incentives and disincentives for conflict failed to question any aspect of the Commission's report despite the weight that it carried in the resumption of donor funding. Although an important finding in itself, the report only notes with relation to the Kibeho incident that the policies pursued by individual donor nations and the European Union (EU) were 'if not directly conflicting, at least inconsistent'.[191] The Rwandan regime had skilfully deflected attention away from its strong-arm tactics and laid the blame at the feet of the aid community for supporting the structure. It was a dress rehearsal for the refugee camps in Zaire 18 months later.

CONCLUSION

A number of significant points emerge from this chapter. First, the Rwandan refugee camps played a vital role in the insurgency against the Rwandan regime. Although the former Rwandan regime and army fled to Zaire with considerable financial and material

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[189] Brauman, 'Refugee Camps, Population Transfers, and NGOs', p. 192.

[190] *Comprehensive Report on Lessons Learned from United Nations Assistance Mission for Rwanda (UNAMIR), October 1993-April 1996*, p. 35.

[191] Barré et al., *The Limits and Scope for the Use of Development Assistance and Disincentives for Influencing Conflict Situations*, p. 18.

assets, it was the humanitarian sanctuary that permitted their continued survival as an entity until late 1996. Despite the professionalism of the ex-FAR and government-in-exile on paper, benefit of hindsight illustrates that the former government and army never had the capacity to reinvade Rwanda successfully. The refugees were the crucial bargaining chips in the former regime's plan to start negotiations with Kigali, and the camp structures helped to keep the population in exile. In addition, the guerrilla attacks launched from Zaire helped to keep loyal supporters mobilised, sabotaged reconstruction and reconciliation efforts inside Rwanda, and generated reprisals against the Hutu population which added weight to the hardliner discourse promulgated in the camps. Thus rather than playing a complementary role to a military strategy supported from external patrons, the Rwandan refugee camps and the humanitarian aid therein guaranteed the survival of the genocidal force.

Second, in spite of the knowledge acquired by aid organisations in the past about the negative consequences of humanitarian action, these recurred and were more insidious than on previous occasions. Yet unlike in the Afghan, Cambodian, Salvadoran or Nicaraguan refugee camps, for all but the pro-Hutu agencies working in the Rwandan camps, the misuse of humanitarian aid was not in the name of a 'just' cause. The vast majority of aid organisations did not justify their tolerance of the abuse of aid by appealing to a greater good that would be served by permitting the revival of the former Rwandan regime, and government donor funds were not channelled to the camps to serve this end. The paradoxes of humanitarian action were genuinely unintended.

Aid organisations share responsibility for some of the tragedies of the last three years in the Great Lakes region because by accepting the priorities and agendas of the government donors whose money they accept, they permit governments to abrogate their political responsibilities to address the more profound issues at the root of the crisis. Through half-hearted political engagement in the Rwandan crisis, donor governments assisted in the re-emergence of extremists of both sides of the political and ethnic divide, with the resultant attack on the refugee camps, and the erosion of norms of refugee protection. In the end, it is the people that aid organisations are trying to help and the principles protecting future populations that fall victim to the politically expedient policies of powerful states.

Moreover, through permitting humanitarian action to be manipulated, and dismissing an ethic of refusal, aid agencies risk seeing humanitarian action become a scapegoat for the failure of others to uphold their obligations and responsibilities. Senior US officials like Brian Atwood and Leonard Rogers used their 'revelation' in March 1997 about the perverse effects of humanitarian action to call for a future policy linking humanitarian aid more closely to US foreign policy. In the *International Herald Tribune* they wrote:

> It now seems clear that in those camps more than a million people were controlled against their will by the perpetrators of genocide in Rwanda... Shocking but true, the provision of humanitarian assistance by the United States, the European Union and others helped those who committed genocide to control these people for more than two years...The future course seems clear: Humanitarian aid must be linked more closely to our foreign policy.[192]

Feigning prior ignorance of the militarised nature of the refugee camps and blaming aid for the problem was a shameless attempt to shed responsibility for the failures of political leaders to address all but the humanitarian consequences of the crisis from the outset. After all, this thesis has shown that the US is one of the nations most acquainted with the role that refugee camps can play in war, yet the lessons of history are selectively applied. When the Khmer Rouge analogy was raised, it was not to argue for a tougher stand against those responsible for genocide, but to advocate for a less voluntary policy of repatriation. McCall ended his speech at the 1996 donor meeting with the words:

> I am still haunted by the role that humanitarian assistance and humanitarian sanctuary in Thailand played in guaranteeing the survival of the Khmer Rouge. We all tried to do the right thing, but we accomplished the wrong result. Nearly twenty years later, the people of Cambodia are still paying the price. The situation in the refugee camps, particularly in Zaire, is not unlike the choices we faced 20 years ago on [sic] Cambodia. And I very much hope that we do not repeat the same errors.[193]

For the aid organisations, operating in the Rwandan refugee camps involved difficult tradeoffs between competing moral principles. Most agencies decided to stay to meet the immediate needs of the population at the possible expense of future needs. Others

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[192] J. Brian Atwood and Leonard Rogers, 'Rethinking Humanitarian Aid in the New Era', *International Herald Tribune*, 12 March, 1997, p. 10. At the time of writing, the authors were the administrator of US Agency for International Development and the acting administrator of its Bureau for Humanitarian Response, respectively.

[193] US Statement delivered by Richard McCall to the Rwandan Roundtable Conference, Geneva, 20-21 June 1996, p. 6.

decided that in the absence of achieving what was just, they should at least not participate in what was so obviously unjust. It is hard to weigh the pros and cons of each position, particularly when future events cannot be foretold. But there are few scenarios in humanitarian aid operations which had more relevant precedents and could be as accurately predicted than the Rwandan refugee context. As Gasper says, an ethic that accepts a responsibility to help must also then assess whether, when, and how one really helps, otherwise it becomes only an ethic of response, not responsibility.[194] Humanitarian action is a means to an end, not an end in itself, and the Rwandan crisis raises serious questions about the humanitarian imperative.

[194] Gasper, *'Drawing a Line' – Ethical and Political Strategies in Complex Emergency Assistance*', p. 26.

CHAPTER 6

CONCLUSIONS AND IMPLICATIONS

This thesis has now reached the point at which it began. The testimony of Narcisse recorded at the outset provides a glimpse of the consequences of the attack on the Rwandan refugee camps for the refugees who sheltered in them. Having watched the departure of international staff from Uvira, Bukavu and Goma, the refugees were left alone to face the consequences of the misuse of the camps.

This thesis sought to explore, in the context of a wider comparison, how the Rwandan refugee camps became embroiled in the ongoing conflict, and why this was allowed to happen. It aimed to understand what precedents existed that should have informed political leaders and aid organisations of the likely consequences of the camps. To this end it examined several cases and demonstrated that the paradoxes of aid present in the Rwandan camps were manifest in previous situations. It showed that aid organisations had knowledge of the negative effects of their assistance in each case, and identified some of the ways in which aid agencies reacted to these.

Some of the reasons for the persistence of the paradoxes of aid have been alluded to in the course of the study. This final chapter draws these together by exploring some of the institutional constraints faced by aid organisations in preventing the recurrence of negative effects of humanitarian action. It then comments on the implications of these findings for humanitarian action in the future. First, however, it will review some of the main findings that emerged from the case studies.

1. REFUGEE-WARRIORS AND HUMANITARIAN ACTION

1.1 The Relationship between Aid and Conflict

One of the objectives of this study was to contextualise humanitarian action within the broader politico-military environment to shed light on the relative importance of aid in the conflicts under review. Thus each case study examined the host state as a military sanctuary for insurgents as well as a humanitarian sanctuary for refugee-warriors. Table

3 presents a summary of the 'performance' of each, ranked from low to high. The judgement is based on the relative value of aspects of the humanitarian and military sanctuaries to each guerrilla movement; it is not a comparison between cases. Hence although the financial aid provided by the US to the Nicaraguan *contras* between 1979-1989 was less than one third ($400 million) of that provided to the Afghan *mujahideen* between 1980-1987 ($1.5 billion), both eclipsed the relative contribution of aid to the war economy and are thus given a 'high' rating.

Table 3: Relative Benefits of Military and Humanitarian Sanctuaries to Guerrilla Movements

	Pakistan	Honduras		Thailand	Zaire
	Afghan mujahideen	Nicaraguan contras	Salvadoran FMLN	Cambodian CGDK	Rwandan Ex-FAR
Context					
Superpower rivalry	High	High	High	High	Low
Benefits to host	High	High	Low	High	Medium
Military Sanctuary					
Protection	Med-High	High	Low	Medium	Medium
Military aid	High	High	Low	High	Low
Financial aid	High	High	Low	Med-High	Low
Political Aid	High	High	Low	High	Low-Med
Humanitarian Sanct.					
Protection	Med-High	Low	Low-Med	Low	High/none*
War Economy	Low	Low-Med	Low-Med	Med-High	High
Population Control	Medium	Low	High	High	High
Legitimacy	High	Medium	Low-Med	High	High

* The camps provided a high level of protection until they were attacked and destroyed.

The most prominent observation from the table supports Jean-Christophe Rufin's initial idea regarding the relative benefits of humanitarian sanctuaries: the legitimacy derived from refugees and the control mechanisms provided by refugee camp structures were the most consistently advantageous aspects of refugee camps to combatants. Insurgents who

enjoyed strong support from host states and external patrons had less need of the protective functions of refugee camps, or humanitarian aid to supply the war economy, than those without such benefits. The Nicaraguan case is largely the inverse of the Rwandan case. External backers had little influence over relations between the guerrilla movement and the civilian population; thus it was in this realm that refugee camps performed their most important function.

This finding, although not astonishing in itself, has two implications. It provides weight to an hypothesis mentioned in Chapter 1, that the end of superpower patronage to guerrilla factions is likely to increase the importance of other resources available to support war economies, one of which is humanitarian aid. The importance of humanitarian aid to the war economy is likely to be proportional to the resource base of the warring parties. In areas bereft of easily accessible and saleable natural resources, such as Somalia and the Sudan, humanitarian aid will have a greater impact on the conflict than in resource-rich areas of Sierra Leone and Liberia. This has implications for the deliberations of aid organisations concerning the relative good and harm of humanitarian action in each context.

Yet the thesis findings also show that although the diversion of aid commodities to warring parties is the most visible paradox of humanitarian action and hence the most common basis of claims that aid prolongs conflict, this is not necessarily the most significant contribution of humanitarian action to war. The legitimacy and control mechanisms provided to belligerents are more important in certain conflicts. Hence although they are less easily measured than contributions to the war economy, these side-effects of humanitarian assistance must be included in deliberations on overall impact.

The cases examined in this study illustrate the difficulty of determining whether humanitarian action can be said to have prolonged a given conflict. In the Afghan and Nicaraguan cases, the level of military support lent to the *mujahideen* and *contras* suggests that aid played a complementary but not essential role in their respective conflicts. In both cases the refugees had strong symbolic value and helped to justify Western support to the resistance. In the Cambodian conflict, the ultimate importance of humanitarian assistance is harder to assess: on the one hand, the humanitarian sanctuary

resuscitated the Khmer Rouge forces after their defeat, and empowered and legitimised the Coalition Government of Democratic Kampuchea (CGDK). On the other hand, strategic imperatives would no doubt have prompted allies to supply food and other goods in addition to military equipment to the anti-Vietnamese forces even without the humanitarian façade provided by the relief program. The Khmer Rouge kept up to 100,000 civilians in hidden border camps, and with backing from the Chinese Government would doubtless have continued to wage the guerrilla war against Phnom Penh regardless of the border aid operation. Again, the refugees held a primarily symbolic value to sanction policies pursued by Western governments.

In the Rwandan refugee case, by contrast, evidence suggests that humanitarian action prolonged the Rwandan conflict. It certainly increased its intensity. Although the defeated regime and army had considerable assets at their disposal in Zaire, it is doubtful that they could have survived as more than roving guerrilla groups without the protection and sustenance provided by the refugee camps. The contemporary *Armée de Libération du Rwanda* (ALIR), which consists of ex-FAR and *Interahamwe* members, provides an indication of how the defeated force may have organised without the refugee camps. Yet this new force is backed by Laurent Kabila's government in the context of the regional conflict in the Democratic Republic of Congo (DRC). Given that in 1994 Mobutu's government did not pay its own soldiers, it is unlikely that the *génocidaires* would have received the kind of support from Mobutu that the ALIR is presently receiving from Kinshasa. Moreover, without the large number of refugees to disrupt the ethnic balances in North Kivu, the ex-FAR and *Interahamwe* may have found hostile hosts in the Tutsi *Banyarwanda* living in the Masisi region.

One significant point to emerge from the case studies is how humanitarian action in the post-Cold War period has been transformed from a tool with which governments pursue foreign policy objectives, to a tool with which to avoid foreign policy engagement. During the Cold War battle for ideological supremacy, refugees were a potent symbol of the tyranny of the opposing side, and helped to justify and legitimise support for refugee-warriors in accordance with tenets of the Reagan Doctrine. Humanitarian action was deployed and manipulated to serve this end, and aid organisations faced obstacles when applying humanitarian principles and influencing the policies of actors in the omnipresent political environment. The ending of the Cold War eased political

imperatives that had dominated humanitarian concerns, but rather than empowering humanitarian organisations to reassert respect for humanitarian values, political disengagement left humanitarian action in a vacuum. Without the power or mandate to address the causes of crises, yet deployed as the primary response, humanitarian action is reduced to a palliative to assuage domestic public conscience in industrialised nations. Ironically, the paradoxes of humanitarian action in the Rwandan refugee camps were worse when unintended than when they were deliberately orchestrated in other contexts by donor governments to advance foreign policy goals.

1.2 The Knowledge and Attitudes of Aid Agencies

A number of significant points also emerge from the case studies regarding the attitudes and approaches of aid organisations to the paradoxes of humanitarian action. First, it seems that the extent to which the side-effects of aid were acknowledged and debated among aid organisations depended largely upon the perceived 'justness' of the cause that humanitarian action was inadvertently assisting. Afghan self-determination was widely supported and aiding the resistance generated little debate, whereas the camps in Central America and Cambodia polarised the aid community around contending images of the 'good' side. Rwanda generated the most consternation among humanitarian actors since, for the first time, the side-effects of aid were not serving some perceived greater good.

The second point that emerges - and also contributes to an explanation of the widespread tolerance of the misuse of aid - is the prevalence of a technical approach to humanitarian action in all of the cases discussed. For aid agencies that focused first and foremost on fulfilling the material needs of refugees, issues of a political or ethical nature were suppressed. For some, the neutrality of humanitarian action necessitated an apolitical focus, abstaining from engagement in any form of political debate or controversy. For others, a perceived inability to influence the situation provoked a pragmatic response to the crisis. Successes and failures of aid programs could be judged in terms of technical standards of aid delivery; recall that the efficiency and organisation of the Khmer Rouge camps impressed several aid personnel. As all the cases illustrate, however, by their participation, aid organisations were necessarily implicated in the larger political picture, particularly when in receipt of funds from governments pursuing

a political agenda. Whether they acknowledged it or not, unless they intervened equally on both sides of a conflict or ensured that their aid accrued no benefit to a warring party – something impossible - aid organisations were supporting one side by default.

This leads to the third observation drawn from the case studies: that when humanitarian principles clash, aid organisations differ in the priority that they accord to each. The ethical evaluations implicit in the trade-offs are guided by different factors. It is insightful to review some of the ways that individual agencies reconcile these competing principles. Of paramount concern to ICRC is the application of strict neutrality to its operations which facilitates access to the heart of conflicts in some instances, and restricts access altogether if permission is not forthcoming. In the Cambodian crisis, ICRC's insistence on a presence on both sides of the conflict successfully overcame Phnom Penh's prohibition on other agencies, whereas in Afghanistan, ICRC was not permitted to work in resistance areas until 1988.

Médecins sans Frontières (MSF) and Oxfam, by contrast, privilege principles of proportionality over concerns of neutrality, judging that the needs on one side are often greater than on the other, or that the nature of the regime precludes aid effectively reaching the people in need. Thus Oxfam's abhorrence of the Khmer Rouge and concerns of justice for the Cambodian people directed its decision to work inside Cambodia and not with the refugees along the Thai-Cambodian border. MSF similarly chose not to work with the Khmer Rouge, but considered that the nature of the Vietnamese-backed regime in Phnom Penh obviated the possibility of aiding civilians inside Cambodia, so limited its assistance to non-Khmer Rouge camps. In the Afghan conflict, MSF worked inside Afghanistan with the *mujahideen*, judging that the indiscriminate and disproportionate force employed by Soviet troops warranted aiding the victims of atrocities, regardless of the violation of neutrality and state sovereignty. In Honduras MSF made a concerted effort to assist refugees fleeing the right-wing government in El Salvador and the left-wing government of Nicaragua, recognising that there were victims of atrocities on both sides.

Finally, perceptions of a 'just' cause often guide aid organisations in choosing sides and shape their attitudes towards the abuse of humanitarian assistance by guerrilla movements. Yet in each case cited the 'justness' of the cause was no guarantee that the

guerrilla leadership was concerned for the welfare of the civilians under their control. Although helping to free people from the tyranny of oppression may be a humanitarian act, the use of humanitarian action to pursue such ends is problematic. As the Afghan chapter indicated, while leaders like General Masood showed genuine concern for the welfare of civilians, others, like Gulbuddin Hekmatyar, did not. Once the Soviets withdrew and the factions turned their guns on one another, as far as the West was concerned the idealised 'freedom fighters' became 'warlords' as the humanitarian aid they were accustomed to diverting was no longer in the name of a 'just' cause. The subjectivity of the judgements made by aid organisations was most starkly illustrated in Honduras, where aid organisations chose to work with refugees according to ideological interpretations of what was 'just'. Again, although the Salvadorans were fighting to overthrow a regime responsible for terror and widespread human rights abuses and as such gained the support of many aid agencies, the means employed in the refugee camps violated the basic rights of the refugees.

Cambodia most clearly illustrated the limits of invoking claims of a 'just' war to defend the manipulation of aid by one party to a conflict: oppressors were found on both sides. Aid organisations had to turn a blind eye to many abuses in order to defend the compromises made in operating along the border or in Cambodia. The inclusion and dominance of the Khmer Rouge in the CGDK discredited claims that working in non-Khmer Rouge camps entailed no ethical compromises, and although the regime in Phnom Penh faced harsh treatment from the 'international community', this did not justify the behaviour of the Vietnamese-backed regime towards Cambodian civilians or aid organisations. One wonders whether the Cambodian peasants appreciated the gesture of solidarity shown by the aid agencies based in Phnom Penh as they were marched to the border to construct the bamboo wall.

These cases illustrate the pitfalls of a 'solidarity' approach to humanitarian action, and the repercussions of permitting humanitarian action to be manipulated for a 'good' cause. In each case it was the people to whom the aid organisations had primary responsibility who suffered as a consequence of the lack of humanitarian space. The fight against tyranny and totalitarianism may have been just, but did this end justify all means to achieve it? This raises broader questions about the labelling of victims, and the basis on which aid organisations judge the side they consider is right. It is interesting to

note that the Kosovo Liberation Army (KLA), 'freedom fighters' opposing the tyranny of Serbian President Slobodan Milosovic, took steps to 'cleanse' the territory of Serbian residents after its NATO-assisted victory in much the same way that Milosovic attempted with Albanian residents a few months earlier. The victims of today are potentially the aggressors of tomorrow.

2. INSTITUTIONAL CONSTRAINTS TO LEARNING

The preceding chapters highlighted external constraints confronting aid organisations in applying humanitarian principles to their operations and mitigating the negative consequences of humanitarian action. In addition to these external factors over which aid organisations have little control, there are many endogenous determinants of the international relief system that help to explain why the paradoxes of humanitarian action recur and persist. This section discusses several institutional factors that impede the ability of aid organisations to learn from past experience and to change their behaviour accordingly. But first it is important to reiterate a point made in Chapter 1 about the inevitability of negative consequences. Humanitarian action is imbued with an inherent and inescapable paradox.

The humanitarian constraints imposed on the conduct of war are broadly concerned with two areas: discrimination between legitimate and illegitimate targets in war, the most basic of which is combatants from non-combatants; and the principle of proportionality to limit unnecessary suffering and destruction. But any rules constraining the means of warfare are likely to slow the speed of victory, hence lengthening the duration of conflict. Military leaders throughout history have debated whether it is less cruel to have a swift, decisive victory ignoring humanitarian restraints, or a conflict drawn out by respect for humanitarian laws. Thus the idea at the heart of restraining the means of conflict potentially prolongs it.

At another level, provisions of humanitarian action and the requisites of war lead to the inevitable use of the former in pursuit of the latter. The granting of immunity to medical installations and wounded combatants permits military personnel to be resuscitated and returned to combat. Protected spaces in war are liable to be infiltrated when one party to the conflict is facing defeat and possible annihilation, thereby violating the sanctity of

the protected space and jeopardising its *raison d'être*. Guerrilla warfare blurs the distinction between combatants and non-combatants, raising ethical issues about the level of complicity – and hence legitimacy as targets – of individuals undertaking vital, yet unarmed, combat support functions. And the provision of essential goods and services is crucial to generate real or perceived civilian allegiance necessary to claims of power and legitimacy. Humanitarian aid enters regions lacking essential provisions, and aid becomes a stake in power struggles. Thus at an intrinsic and practical level, the paradoxes of humanitarian action will persist.

Chapter 1 noted Mary Anderson's assertion that aid organisations should 'do no harm'. This assumes that they can indeed contrive to 'do no harm', yet such an idea is an illusion. Recognising this is essential to deliberations over the most ethically sound approach to a given situation: 'doing no harm' is not possible because in practice, humanitarian action will always generate winners and losers. The best that aid organisations can hope to do is *minimise* the negative effects of their action. Applying knowledge gained from past experience is an important prerequisite for achieving this, but as the case studies have shown, few of the lessons of the past are heeded. Previous chapters have noted that the status of knowledge and ignorance is an important determinant in judging culpability for a given outcome, thus it is important to explore some of the constraints that aid organisations face in applying lessons of the past.

Recalling remarks quoted in Chapter 1, Levy suggests organisational learning occurs as a result of the assimilation of individual learning and knowledge into the memory, policies and decision-making procedures of an organisation. Levy defines individual, experiential learning as 'a change of beliefs (or the degree of confidence in one's beliefs) or the development of new beliefs, skills or procedures as a result of the observation and interpretation of experience'.[1] A key component of this definition – the *interpretation* of experience - provides the first clue as to why, at one level, aid organisations might not have learned from precedents to the Rwandan crisis. Thus it is useful to examine some of the factors that influence the interpretation of experience by individuals. Also implicit in this definition is recognition that learning does not necessarily involve change in policies and practice since many factors may prevent the

[1] Jack S. Levy, 'Learning and foreign policy: sweeping a conceptual minefield', *International Organisation* 48, No. 2 (Spring 1994): 279-312 at p. 283.

implementation of changes proposed on the basis of experience. Levy argues that 'individual learning is necessary but not sufficient for organizational learning and studies of organizational learning, should attempt to specify at what point in the cycle the learning gets blocked'.[2] Thus after analysing factors that influence learning at the individual level, the following section examines aspects of the international aid regime that impede the process by which individual learning can be transformed into positive changes in the provision of humanitarian relief.

2.1 Interpretation of Experience

At the most rudimentary level, the way in which individuals interpret experience is shaped by the conceptual and analytical framework they apply to observations; in other words, the lens through which they view the context. Every aid worker enters the field with his or her own history, assumptions, beliefs, motivation and expectations of what one can hope to achieve. As the case studies illustrate, the ways that aid personnel interpreted events differed according to individual political and ideological views. Only in the Rwandan case was there widespread consensus about the nature of the problem. But opinions were still divided over the most appropriate course of action to follow.

Individuals are also influenced by the organisational culture of the agency with which they are affiliated. Mark Walkup defines organisational culture as the fundamental assumptions and beliefs shared by members of an organisation, as well as 'the written and unwritten rules, codes of conduct, patterns of interaction, standard operating procedures, rituals, and myths that shape the behaviour of both an organization and the individuals that comprise it'.[3] Most aid organisations have moments in their history or certain personalities that define the essence of the organisation and become part of its identity. Individuals shape the organisational culture as their experiences and behaviour become integrated into the structure of the agency, and this in turn influences the way that members of the organisation interpret experience.

The ways that individuals cope with the stress of relief operations is also significant in shaping perceptions of experience. As the case studies illustrate, individuals must

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[2] ibid., p. 289.

[3] Mark Walkup, 'Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions, and Organizational Culture', *Journal of Refugee Studies* 10, No. 1 (1997): 37-60.

reconcile the competing needs and demands of refugees, refugee leaders, host authorities, donor governments, head office staff, international and national team members, and personnel of other organisations. The magnitude of the problem is often larger than can be met with a humanitarian response, and aid personnel are expected to be adaptable and proficient in undertaking a multiplicity of tasks.[4] Dealing with suffering and death is emotionally stressful, particularly if insufficient means are available to meet the needs of the population, necessitating choices about who will receive assistance and who will not. Even when this is not the case, the utilitarian public health approach applied to aid operations means that refugees in need of 'specialised' care might not receive it. These causes of stress are compounded when insecurity and concerns about the misuse of aid generate questions about the viability and side-effects of the aid program.[5]

In his insightful study, Walkup examines some of the psychological coping strategies that aid personnel adopt in response to the stress of their environment, and how these become institutionalised into the organisational culture of aid agencies. The four stages through which he suggests such coping strategies develop - overwork, detachment, transference, and reality distortion - help to shed light on some of the phenomena noted in the case studies.

In the first stage Walkup suggests that aid personnel often try to overcome the distress of their environment and the relative limits of their effectiveness by overworking. In the process, colleagues and refugee representatives are often excluded from participation in decision-making and implementation since this is perceived to slow progress. Overworking commonly produces 'burnout' which impairs the effectiveness and lucidity of individuals, reducing analytical potential and capacity for change. To Walkup's observations could be added a tendency at this stage to focus on the immediate and micro-level dimensions of the problem, rather than the longer-term, bigger picture.

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[4] For an interesting discussion of some of the roles aid personnel are expected to fulfil, see Hugo Slim, 'The Continuing Metamorphosis of the Humanitarian Practitioner: Some New Colours for an Endangered Chameleon', *Disasters* 19, No. 2 (1995): 110-126.

[5] For a more detailed discussion of the stress experienced by emergency workers see Ruth A. Barron, 'Psychological Trauma and Relief Workers', in Jennifer Leaning, Susan M. Briggs and Lincoln C. Chen, *Humanitarian Crises: The Medical and Public Health Response* (Cambridge MA: Harvard University Press, 1999), pp. 143-175.

A second phase that Walkup identifies is one of detachment by aid workers from the people they are trying to assist. Such detachment eases the guilt and frustration of not being able to resolve all the problems with which refugees are confronted, and is manifest both mentally and physically. Less contact with the refugees reduces the burden of requests or complaints, and aid personnel spend more time isolated in the vehicle or office. As was evident in many of the case studies, adopting a technical focus and concentrating on concrete, measurable tasks helps deflect attention from emotionally or ethically disturbing areas. Walkup also views the tendency of humanitarian personnel to isolate themselves with other expatriates in compounds and engage in black humour as a way of coping.

When aid personnel can no longer detach themselves, Walkup suggests they begin to rationalise behaviour by transferring guilt away from themselves towards other factors, like 'politics', 'donors', the 'host government' and even the 'victims'. Recalling the Rwanda crisis, it was the 'international community' which was to blame. By professing to have no control or power over the system, aid workers can rationalise inaction, or, as the Honduran and Cambodian cases show, acceptance of the status quo. Using terms like 'complex emergency', and reiterating how much more complicated, dangerous and ubiquitous disasters are today than in the past, also helps to excuse by transferring blame to the nature of crises themselves.

Walkup recognises that there are many external constraints confronting aid personnel but argues that they are reluctant to admit that their policies or actions may contribute to the problem. This tendency is due in part to a sense that benevolence should somehow be above critical scrutiny, that acts undertaken with good intentions can be excused from judgement. Manifest in sentiments from 'at least we tried' through to aversions to evaluation because 'you can't put a price on life', aid personnel are often indignant that their good will and hard work are subject to review. Complaints from the beneficiaries of aid tend to generate the worst form of indignation among aid workers, and the rights of beneficiaries as individuals become lost among claims of self-sacrifice by aid workers and accusations of ingratitude towards the refugee population. Yet in spite of this

aversion to criticism, Walkup notes that 'most personnel are quick to point out errors of other organizations, while maintaining that "our organization is different"'.[6]

The final stage Walkup identifies is reality distortion: 'when reassigning the blame no longer satisfies and protects the ego, or when it is no longer possible to conceal the inadequacies, aid workers create false illusions of success to enable them to feel a sense of self-worth and accomplishment in the midst of institutional inadequacy or failure'.[7] One of the most common manifestations of this distortion, he suggests, is the perception noted by Harrell-Bond among aid personnel, that people of other cultures do not suffer to the same extent as people in the West; that their greater exposure to pain and suffering somehow makes them immune.[8] Kurt Jansson, the first Director of the UN Emergency Office in Ethiopia during the famine of 1984-1985 engaged in this type of cultural relativism when criticising MSF's public denunciation of the Ethiopian Government's resettlement program. He conceded that 'no doubt there were casualties in the very hasty and badly organised transport of people... and conditions in many resettlement areas were bad', but dismissed the concerns as emanating from a young and inexperienced team who were 'highly excitable, reacting emotionally to any events that they with their Western standards did not think appropriate'.

> To be sure, they had seen people in poor health leaving relief camps for transport to a transit camp or to a settlement area, and had seen the often harsh way local officials dealt with these people. This was nothing new to those relief workers aware of the marks that centuries of feudalism and oppression had left on the mentality of the peasant population, but it was quite understandable that some MSF staff, young and inexperienced as they were, should have been upset at what they saw. Ethiopia is not France. [9]

Jansson also characterised Chairman Mengistu as a man of 'intelligence, quiet dignity, reserve and great courtesy' who held 'a deep concern for the fate of his own people',[10] illustrating the extent to which reality can be distorted. It is interesting to note that it was Jansson who headed UNICEF in the Joint Mission in Phnom Penh from June 1980. Shawcross remarked that relations between the Heng Samrin regime and the Joint

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6 Walkup, 'Policy Dysfunction in Humanitarian Organizations', p. 46.

7 ibid.

8 B.E. Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees* (Oxford: Oxford University Press, 1986), p. 206 as noted in Walkup, 'Policy Dysfunction in Humanitarian Organizations', p. 47.

9 Kurt Jansson, Michael Harris and Angela Penrose, *The Ethiopian Famine* (London: Zed Books, 1990), pp. 24-25.

10 ibid., p. 29 and p. 31.

Mission improved after Jansson's appointment 'not because the program in Cambodia started to work smoothly; it was rather that Jansson considered that complaint was now counterproductive'.[11] This demonstrates how important individual agency and perception can be in determining the ethical and practical parameters of an aid operation.

The use of sanitised language, as was evident in the Khmer Rouge camps in Thailand, is another example of reality distortion, this time a conscious form to insulate individuals from the implications of their task. An even more significant form of self-delusion was expressed by aid workers who claimed that through engaging with Khmer Rouge officials they could influence their behaviour. Perceptions of the nature of the Vietnamese-backed regime were also distorted to comply with the image of a responsible regime, necessary to secure funding for humanitarian activities.

These psychological coping strategies impact upon the way that experience is interpreted, particularly through generating a defensiveness towards criticism that impedes the ability of individuals to admit to, and learn from, mistakes. However, not all of these tendencies among aid workers can be attributed to coping-strategies alone, there are other equally important factors to consider. The necessity, for example, to choose between two equally undesirable courses of action and defend such a choice may involve strong moral arguments that are not determined by psychological stress. Furthermore, criticisms by personnel of one aid agency of another does not necessarily indicate a transference of blame but may be generated by competition between agencies for media exposure and recognition, or may be in response to incompetence and bad practices. The contemporary discourse emphasising the increased complexity of crises and the dichotomy between the Cold War and post-Cold War environments also influences the interpretation of experience, infusing aid workers with the idea that there are no relevant precedents from past; that the complexity is new and requires novel solutions and approaches. Experiences are interpreted on the basis of this premise.

This discussion has demonstrated that what individuals learn depends upon their interpretation of events, and that these are influenced by many factors and can vary considerably among individuals. These impressions may then be assimilated into the

[11] William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New

organisational beliefs of each agency, and analyses of the same aid operation can differ markedly from one agency to the next, even when hindsight has afforded greater scrutiny of facts and interpretation. The Cambodian operation, for example, is still perceived very differently by members of MSF and those of Oxfam, illustrating that different views have permeated into each organisational culture. Responding to a 1997 MSF publication reflecting on the past that characterised the Heng Samrin regime as a 'pitiless and predatory dictatorship', a member of the Oxfam affiliate in Australia (Community Aid Abroad) wrote: 'this comes as somewhat of a surprise given that the Heng Samrin regime did its best in international isolation and not only rebuilt a country shattered by the most brutal genocide in recent memory but did it with little external assistance'.[12] The author then states that 'this type of attack which is all too frequent in the book highlights both an ideological agenda and a self-righteous tone which only diminish the complex issues raised...', illustrating the strength with which different opinions can endure. The lack of common analysis among agencies has strong implications for the ability of the aid system as a whole to adjust its behaviour to diminish the negative consequences of humanitarian action.

But even assuming that there was a 'correct' analysis to be made of a given situation, the assimilation of this knowledge into a change in policies or practice can be blocked at several stages along the way. There are two phenomena, in particular, that impede the ability of aid organisations to learn lessons of the past: a culture of justification that is manifest externally to protect public confidence in humanitarian action; and a logic of institutional self-preservation that determines much of the inter-agency dynamic that occurs within the aid system. These are not mutually exclusive and contain many tendencies that might just as easily be associated with either explanation.

2.2 *The Culture of Justification*

A culture of justification pervades the international relief system and hampers its ability to confront and rectify problems or mistakes experienced in operations of the past. Part of the culture of justification stems from individual defensiveness towards criticism that

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York: Simon and Schuster, 1984), p. 178.

[12] Patrick Kilby, 'Review of Médecins Sans Frontières, World in Crisis: The politics of survival at the end of the twentieth century', *African Studies Review & Newsletter* 19, No. 1 (June 1997): 39-41.

becomes assimilated into organisational behaviour, as Walkup suggests. But the eschewal of criticism has a more important systemic rationale that is intrinsic to the way that aid organisations - NGOs in particular - function.

In contrast to business, where it is the satisfaction of the client that ensures financial viability, in humanitarian action it is the satisfaction of the donor. To exist and have the financial resources necessary to respond to emergency situations, aid organisations depend upon the generosity of the public in industrialised nations, either directly through fundraising activities or indirectly through aid allocations in government budgets. Thus aid agencies have a strong institutional incentive to portray humanitarian action as an indispensable remedy for human suffering. For the most part, accountability to donors takes precedence over ensuring that beneficiaries receive timely and appropriate humanitarian assistance, and the negative consequences of humanitarian action are downplayed.

It seems that in Western industrialised nations, a sense of duty and responsibility to assist distant members of humanity only arises when they are perceived to suffer extreme hardship. Even then there are apparent limits to empathy (discussed below). The perceived need to justify foreign aid to domestic audiences and highlight its positive attributes is demonstrated by the Australian Agency for International Development (AusAID) on its official website. Rather than explaining its foreign aid budget in terms of Australia's responsibilities to the world community, AusAID justifies it by downplaying the cost of aid. It shows that of $100 of government expenditure, only $1.20 is spent on aid compared with $36 for social security and welfare, and $8 for defence. It justifies the allocation further by saying that most of the $1.20 is spent inside Australia.[13] The majority of Americans are also averse to their current level of aid expenditure, with three-quarters considering that the amount is too large and two-thirds advocating a reduction.[14] Thus it is not only the voluntary sector that must appeal to the public's sense of common humanity; governments must justify spending taxpayers' money in this way.

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[13] http://www.ausaid.gov.au/australianaid/ozaid01.htm, 1997 as noted in Fiona Terry, 'The Paradoxes of Humanitarian Aid', *Agenda: A Journal of Policy Analysis and Reform* 5, No. 2 (1998): 135-146 at p. 136.

[14] Carol Lancaster, *Aid to Africa: So Much to Do, So Little Done* (Chicago: University of Chicago Press, 1999), pp. 105-106.

The fragility of the base of public interest and support in humanitarian action creates two related tendencies among aid organisations associated with the culture of justification. The first is the perceived need to amplify the gravity of a situation or selectively report the worst aspects of it in order to arouse sufficient awareness and action to raise a response. The media play a vital role in this process, and a symbiotic relationship exists between aid organisations and journalists: the former rely on coverage and the latter benefit from subject matter, insights and logistical assistance in the field.[15] Both aid organisations and journalists benefit from presenting images that shock Western audiences, often leading to what has been described as 'disaster pornography'.[16] The 'CNN factor' has gained notoriety in contemporary international affairs, on the one hand raising awareness of problems across the globe as they occur, on the other, desensitising audiences through allowing graphic pictures rather than in-depth reporting to convey the story. Although the 'CNN factor' is widely believed to be another of the post-Cold World changes with which the aid community must contend, this effect of media reporting has been noted before. Shawcross remarked in 1984 that:

> The flood of instant information in the world today – at least in the western industrialized world – sometimes seems not to further but to retard education; not to excite but to dampen curiosity; not to enlighten, but to dismay. The poet Archibald MacLeish once noted "We are deluged with facts but we have lost or are losing our human ability to feel them".[17]

The lack of public interest in distant disasters then generates a greater need to dramatise problems to arouse concern, and the situation spirals.

The Rwanda case shows the magnet effect of media coverage to aid agencies, and the perception among many that they could not afford to be absent from Goma. The opportunity for free publicity at a time of heightened public awareness generated

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[15] This relationship suffered a major setback during the Rwandan crisis, however, with several journalists complaining that they had been lied to and manipulated by aid organisations in relation to fears about the safety of refugees dispersed by the attacks on the Rwandan camps. The return *en masse* of the majority without significant incident was taken as 'proof' that the aid organisations had lied for fundraising purposes. The fact that 200,000 refugees were missing was overlooked in the outrage generated by the sight of healthy refugees returning. For a detailed discussion of the dispute between journalists and aid organisations at this time see Nik Gowing, 'New Challenges and Problems for Information Management in Complex Emergencies: Ominous lessons from the Great Lakes and Eastern Zaire in late 1996 and early 1997', (London: Conference Paper for 'Dispatches from Disaster Zones: The Reporting of Humanitarian Emergencies', 27-28 May 1998).

[16] David Rieff, 'The Humanitarian Trap', *World Policy Journal* 12, No. 4 (1995/96): 1-11 at p. 7.

[17] William Shawcross, 'The Numbing of Humanity: Have We Had One Atrocity Too Many?', *The Washington Post National Weekly Edition* (September 1984): 23-24 at p. 23.

competition for visibility among aid agencies and the resultant ubiquitous display of agency logos and quest for media-friendly projects. This media and donor-driven context is not conducive to generating the sound political analysis and considered response necessary to limit the potential for the misuse of aid. It also skews attention and resources to regions that are judged of interest to Western audiences. One needs only to glance at the tins of chicken pate, foil-wrapped cheeses and fresh fruit and milk provided to Kosovar refugees to realise that budget allocations were greater there than in forgotten tragedies away from the media spotlight.

The second implication of the reliance of aid organisations on support by the general public is that it discourages open discussion among aid organisations about the failures or negative consequences of humanitarian action. Most aid agencies paint their activities only in a positive light. A comment by an official of World Vision captures the prevailing view:

> You can't confuse the public with complex issues. Starving babies and droughts are something that people can understand. But trying to explain corruption or aid abuses is not going to help our fundraising and will only hamper our work.[18]

Aid organisations depend upon an image of 'doing good' for their support and are reluctant to jeopardise this image by airing concerns that aid may not be serving the purposes for which it was intended. Similarly, aid agencies are quick to thwart any accusations of wrongdoing or failure. The aid industry has little regulation, and one of the purposes of the various Codes of Conduct is to improve self-regulation of the industry to enhance accountability. However, the repercussions of serious criticisms levied at one organisation can reverberate throughout the industry as a whole, as allegations against CARE Australia illustrated to the Australian aid community in 1995.[19] Thus agencies are more likely to close ranks and stifle criticism of aid practices and operations than engage in honest public debate.

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[18] As cited in Edward Girardet, 'Public Opinion, the Media, and Humanitarianism', in Thomas G. Weiss and Larry Minear (eds), *Humanitarianism Across Borders: Sustaining Civilians in Times of War* (Boulder: Lynne Rienner, 1993), pp. 39-55 at p. 46.

[19] A two part exposé containing allegations of, *inter alia*, financial mismanagement and misleading advertising was aired on Australian commercial television in 1995. All Australian aid agencies experienced a loss of public confidence as a result.

As Chapter 1 highlighted, the increased criticism of humanitarian action that appeared in the wake of the Rwandan crisis provoked widespread reflection within the aid community and a greater commitment to evaluating aid programs. While a positive development, evaluations in themselves provide no guarantee of organisational learning: failures in the Rwandan operation were not due to a paucity of information. Evaluations must be read and acted upon. The danger with this sudden fad – recall that at least 25 independent evaluations were planned for Kosovo by October 1999 – is the false sense of achievement and 'accountability' that it creates. As Minear points out:

> The swing of the pendulum from a dearth of thoughtful material to an abundance of it is welcome and overdue. Yet the latter extreme may be as unhelpful to the process of learning and change as was the former. Even the proliferation of so-called lessons learned units is not in and of itself a sign of progress. Since serious learning requires institutional change, such units might better be called "lessons-learning" or "lessons identified" units and viewed as means to an end rather than ends in themselves.[20]

The culture of justification may have dictated that a more responsible image of aid is required to avert criticism and a loss of public confidence, but whether greater recognition of the problems will lead to less abuse of aid remains to be seen.

2.3 The Logic of Institutional Preservation

In contrast to the culture of justification which is projected predominantly towards external audiences, a logic of institutional preservation dominates much of the organisational response and behaviour of aid agencies with respect to other actors within the aid regime. The culture of justification impedes organisational learning through limiting the extent to which individual knowledge is absorbed and assimilated into organisational culture, and the logic of institutional preservation hinders the application of knowledge into changes in policies and practice. There are three aspects of the logic of institutional preservation that illuminate why the paradoxes of aid recur and persist in spite of knowledge acquired. The first two relate to the preservation of the aid industry as a whole – why it will prevail. The third concerns the logic of organisational preservation – how aid agencies respond to this. The logic of institutional preservation particularly militates against the likelihood that aid organisations will countenance an

[20] Larry Minear, 'Learning to Learn', paper prepared for OCHA Seminar on Lessons Learned on Humanitarian Coordination, Stockholm, 3-4 April 1998, p. 9.

ethic of refusal in humanitarian action even when the harm of an operation appears to outweigh the good.

First, underpinning the logic of institutional preservation is the ingrained belief within the aid community that humanitarian action is indispensable to the survival of refugees and other victims of disasters. Although studies of local coping-mechanisms may contradict this assumption - Alex de Waal holds that 'relief is generally merely a footnote to the story of how people survive famine'[21] - this supposition prevails as the axiomatic starting point for humanitarian action. It has remained largely unquestioned in spite of increased reflection on humanitarian issues within the aid community, indicating that although aid organisations might be willing to reconsider changes in behaviour and enhanced accountability, they are unwilling to question their *raison d'être*.

In fact, the very tools developed to increase the responsibility of aid organisations are built around the primacy of the humanitarian imperative. The principal Code of Conduct affirms the right to give and receive humanitarian assistance as the first principle of humanitarian action, and this frequently translates into a demand for humanitarian access in the field.[22] Emphasising access to vulnerable populations shifts attention from justice and protection for the people in need, to the means with which to assist them. This aid-centricity is most apparent when peacekeepers are given the mandate to protect humanitarian convoys and personnel, not the local people for which the aid is intended. This occurred in northern Iraq, Somalia and Bosnia, 'as if soap or milk powder could prevent bombs from falling on hospitals, or generosity could offer protection against murder and expulsion'.[23] The provision of humanitarian aid is a means to an end, the end being the preservation of life and dignity. While insecurity or belligerent actions can prevent aid reaching vulnerable populations, the deployment of military forces to protect

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21 Alex de Waal, *Famine Crimes: Politics & the Disaster Relief Industry in Africa* (Oxford and Bloomington: Africa Rights & the International African Institute in association with James Currey and Indiana University Press, 1997), p. 1.

22 The press release issued by MSF upon winning the 1999 Nobel Peace Prize exemplifies the arrogance often associated with such demands: 'MSF is independent and impartial in the name of medical ethics and demands that the right to humanitarian assistance be respected. MSF demands full and unhindered freedom to carry out its mandate.' *MSF welcomes Nobel support for peoples' right to humanitarian assistance* (Brussels: MSF Press Release, 15 October 1999).

23 Françoise Bouchet-Saulnier, 'Peacekeeping Operations Above Humanitarian Law', in François Jean, (ed.), *Life, Death and Aid: The Médecins Sans Frontières Report on World Crisis Intervention* (London: Routledge, 1993), pp. 125-130 at p. 128.

the means in isolation of the ends is a dangerous travesty. A full belly does not provide civilians with protection. What is the point of securing humanitarian access to people if it deters one from recognising that they are in danger of losing their lives to violence?

Perhaps the most significant illustration of the overweening belief in the indispensability of humanitarian action is the growing consideration given to employing private security companies to enforce the right of humanitarian access. Subscribing to the discourse of greater chaos and complexity, and less respect for international law in the 'new world disorder', such measures are deemed necessary in the context of declining state interest to intervene militarily.[24] According to an article in *Jane's Intelligence Review*, Defence Systems Limited (DSL) already counts the UN, CARE and Goal among its clients, alongside Shell, Mobil, and De Beers.[25] The article notes that supporting 'humanitarian' missions has gradually gained DSL respectability, even allowing it to shed its 'mercenary tag'.[26] The ethical and practical issues raised by the hiring of private security are too numerous to be dealt with in this study:[27] suffice it to suggest that if humanitarian action has been reduced to a logistical exercise, better to contract a supermarket chain to deliver aid with the protection of DSL and at least avoid the humanitarian pretence.

The second aspect of the logic of institutional preservation is closely related to the first: the humanitarian enterprise will prevail due to the nature of democratic governance in the West. As discussed earlier, deploying a humanitarian response is a visibly effective way for politicians to respond to public calls to 'do something', thereby satisfying their constituents. Demands for more concerted action will generally not eventuate due to the prevalence among the public of what Brauman calls the 'politics of pity',[28] rather than of

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[24] For a excellent example of a dramatised account of problems in providing aid that leads to a proposal to engage private security, see Michael Bryans, Bruce D. Jones and Janice Gross Stein, *Mean Times: Humanitarian Action in Complex Political Emergencies – Stark Choices, Cruel Dilemmas* (Toronto: Report on the NGOs in Complex Emergencies Project, Volume 1, No. 3, Program on Conflict Management and Negotiation, Centre for International Studies, University of Toronto, 1999).

[25] Kevin O'Brien, 'Freelance forces: exploiters of old or new-age peacebrokers?', *Jane's Intelligence Review* (August 1998), pp. 42-46 at p. 44.

[26] ibid., p. 45.

[27] In addition to all the implications this issue raises concerning the responsibilities of states; the meaning of humanitarian action; the concept of 'rescue'; and the repercussions of creating a new market for private security forces; the idea of aid organisations protected by private security delivering humanitarian aid to Grozny in defiance of the Russian army is absurd.

[28] See Rony Brauman, 'L'assistance humanitaire internationale', in Monique Canto-Sperber (ed.), *Dictionnaire de philosophie morale et politique* (Paris: PUF - Presse Universitaires de France, 1996), pp. 96-101.

compassion, empathy or justice. Michael Ignatieff articulated the difference with reference to the Bosnian war:

> If the cause of Bosnia failed to arouse the universal outrage and anguish that the atrocity footage on our television screens led one to expect, it was not because those watching such images in the comfort of their living rooms lacked ordinary human pity. The charitable response was quite strong. The real impediment to sustained solidarity ran deeper: in some deeply ingrained feeling that "their" security and "ours" are indeed divisible; that their fate and ours are indeed severed, by history, fortune, and good luck; and that if we owe them our pity, we do not share their fate.[29]

Humanitarian action will remain the preferred tool of politicians because of its media appeal and public display of concern. The way that politicians react to early-warning signs verses emergencies in the international arena is much the same as in the domestic sphere: millions of dollars might be allocated to saving the life of a lone yachtsperson whose predicament is broadcast on the evening news, but the same sum is unlikely to be allocated to an improved weather forecasting system that could prevent future tragedies for many more sailors. Moreover, although it is known that humanitarian action is not the answer to crises generated by conflict, public pressure will ensure its deployment in much the same way that prisons are known to be an ineffective way to reduce crime rates and reform criminals, yet the public outcry in the face of serious crimes guarantees that prisons will prevail.

The third aspect of the logic of institutional preservation concerns the way in which aid organisations position themselves vis-à-vis the above realities and in relation to one another. The expansion of humanitarian activity at the end of the Cold War and the proliferation of NGOs has created a veritable 'aid industry'. Larger global budgets for humanitarian aid - $6 billion by 1995[30] - and the readiness of aid organisations to expand the notion of 'humanitarian' activity beyond the provision of life-saving relief into areas of post-conflict peace-building and reconstruction has opened up new markets for Western commercial interest, and aid is becoming an enterprise. Since 1996, for example, 'WorldAid' conferences have brought together 'all those with a stake in aid to

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[29] Michael Ignatieff, *The Warrior's Honor: Ethnic War and the Modern Conscience* (London: Chatto & Windus, 1998), p. 108.

[30] Randolph C. Kent, 'The battle for the soul of aid', *WorldAid '96: A special Supplement of the Crosslines Global Report on WorldAid '96* (Geneva: 30 September-4 October 1996) http://www.worldaid.org/wa96/battle.htm (accessed 23/08/98)

voice their concerns, promote their ideas and debate aid's future'[31] around exhibits of the latest technological wares in water purification systems, communication equipment, high protein biscuits, plastic sheeting, prosthesis materials, and even mine detectors. Most aid organisations have embraced the expanded niche, and the technocratic approach featured in the case studies looks likely to flourish in the future. The High Commissioner for Refugees, Sadako Ogata is fully supportive of the expanded domain, suggesting that 'governments, business and humanitarians share a goal: meeting the needs of people, whether we look at them as citizens, as shareholders and customers, or as victims of war and persecution'.[32]

This growth of the 'aid industry' has been accompanied by attempts to consolidate and regulate it. Aid evaluations have consistently identified a lack of coordination among agencies as a major shortcoming of relief operations, and the need for increased coordination has been embraced as a panacea to problems encountered. This climate generates strong pressure to conform with the dominant views of government donors and UN agencies striving to forge a 'coherent' response. The UN's Strategic Framework for Afghanistan discussed in Chapter 1 exemplifies this trend, prohibiting partner agencies from voicing divergent views on issues of principle. In this atmosphere of coordination and conformity, aid organisations that prefer to retain independence or hold different views are increasingly regarded as recalcitrant. This trend militates against the likelihood that aid agencies will oppose the views of donor governments or withdraw from a context for other than security reasons. It goes against the logic of self-preservation.

This applies both to NGOs and to UN agencies. The Rwandan crisis showed how quickly one NGO was replaced by another, even when the first was withdrawing for ethical concerns that all aid organisations professed to share,[33] and David Rieff has noted

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[31] Randolph C. Kent, 'WorldAid '98 conference examines aid's unprecedented changes', 24 June 1997. http://www.worldaid.org/conf.htm (accessed 23/08/98).

[32] Sadako Ogata, 'Let's Get Business and Humanitarians Together', *International Herald Tribune*, 25 November 1999, p. 4.

[33] John Prendergast noted the lack of solidarity between NGOs in Sudan in 1992 when the UN suspended convoys to an area because of the murder of three relief workers and a journalist, yet Norwegian People's Aid and Catholic Relief Services expanded their food deliveries to cover the area that the UN was boycotting. John Prendergast, *Frontline Diplomacy: Humanitarian Aid and Conflict in Africa* (Boulder: Lynne Rienner, 1996), p. 23.

how competition for donor funds can determine an NGO's entire rationale for action.[34] As the Honduran and Rwandan cases showed, UNHCR is not immune from such pressure due to its dependence upon voluntary financial support from UN member states. UNHCR faces a conflict between its protection and assistance tasks: the more effectively it undertakes the former, the less likely it is that it will receive funding to undertake the latter. The Rwandan context clearly illustrated this clash and UNHCR's response to it was mixed. It privileged protection concerns when acting upon the findings of the Gersony Report, opposing the wishes of donors and the opinions of other UN agencies. But UNHCR privileged its assistance function and future relevance overall in the Rwandan camps through choosing to remain in spite of its inability to protect refugees. The expansion of UNHCR's tasks has been undertaken at the expense of its traditional protection role.

In conclusion, this section has explored some of the endogenous factors within the international relief system that inhibit the potential for aid organisations to learn from experience of the past. Although there are irremediable constraints to escaping the negative side-effects of humanitarian action, the different interpretation of matters by individual aid personnel; the way this influences and is influenced by the organisational culture of aid agencies; the culture of justification that permeates the entire aid community; and the logic of institutional preservation, all weigh against diminishing the paradoxical consequences of humanitarian action. The mantra of 'complex emergencies', 'humanitarian crises' and the 'new world disorder' distorts analysis of contemporary situations. As George Orwell said of the condition that clichés and stereotypes produce: 'this reduced state of consciousness, if not indispensable, is at any rate favourable to political conformity'.[35]

The willingness of aid organisations to comply with the objectives and priorities of government donors and UN agencies even when these are obviously driven by political expediency as in the case of Rwanda does not bode well for the values on which

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[34] Rieff cites a member of *Action Internationale Contre la Faim* (AICF) in Sudan who said that the organisation only retained a presence in a region of the Sudan to be visible to the European Community Humanitarian Office (ECHO). Rieff, 'The Humanitarian Trap', pp. 4-5.

[35] George Orwell, 'Politics and the English Language', in *Inside the Whale and Other Essays* (Markham, Ontario: Penguin Books, 1988, originally published in *Horizon* 76, April 1946), p. 153, as cited in Catherine Lu, 'Cosmopolitanism and Humanitarian Intervention' (Washington: Paper presented to the International Studies Association Convention, 16-20 February 1999), p. 10.

humanitarian action was founded. Rather than applying knowledge gained in the past to contemporary operations, 'lessons' have been used instrumentally, particularly by members of the US Government, to support policy preferences. Invoking in 1996 memories of the Khmer Rouge to justify 'less voluntary' repatriation from the Rwandan camps, and using 'revelations' in 1997 of the abuse of refugee aid to call for tighter controls in the future, were shameless abuses of history.

The continued ascendancy of technical responses to crises is liable to dominate moral and ethical issues and concerns. Harrell-Bond remarked more than a decade ago that 'discussions of aid programmes conducted under the banner of humanitarianism concentrate... not on reasons for failures, but on competing claims to moral rectitude. The struggle for moral supremacy', she added, 'can be fierce indeed'.[36] Yet it is interesting to note that when an aid organisation does make an ethical or moral stand, other aid agencies tend not to engage in debate on this plain, but attempt to discredit or undermine the position on technical grounds. Jansson's dismissal of MSF's credibility in Ethiopia was illustrated above, and similarly de Waal, although agreeing with MSF's move, diminishes it as arising from 'political naiveté'. He surmised that had MSF field staff been more aware of the implications of reporting what they had seen 'they would have followed their colleagues in other agencies and remained silent'.[37] This contrasts with MSF's own interpretation.[38]

In a similar way several aid organisations dismissed MSF's withdrawal from the Rwandan refugee camps. Caritas staff said that the rationale was 'purely budgetary', but was justified on political grounds,[39] and Charles Tapp of CARE argued that MSF had run out of funding.[40] The most interesting to note, however, was Bruce Jones who discussed MSF's departure in ethical terms in an influential essay published in

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[36] Harrell-Bond, *Imposing Aid*, p. 26.

[37] De Waal, *Famine Crimes*, p. 124.

[38] See Médecins sans Frontières, *Pourquoi nous avons été expulsés?* (Paris: MSF, December 1985).

[39] Alphonse Ngamije, 'Réfugiés Rwandais: Quel Avenir?', *Dialogue* 181 (March 1995): 27-32 at p. 29 and Jean-Pierre Godding, 'Les Camps de Réfugiés de Goma, Mort et Espérance', *Dialogue* 181 (March 1995): 19-26 at p. 25.

[40] This view is even more remarkable given that some NGOs considered that they could not afford to be absent from the Rwandan camps because the revenue it brought. Personal interview, 27 November 1997.

Millenium in 1995.[41] Yet a report he produced for CARE Canada two years later, he wrote that MSF:

> had already pulled out of one camp, citing ethical issues, but MSF communications personnel privately will admit that MSF's role in the camp was in any case at an end, and that the ethical issue was not the one which determined the timing of the withdrawal.[42]

Even after being sent MSF internal and external documentation to show the contrary,[43] Jones retained the remark - attributed to a confidential interview with an MSF staff member - in subsequent revisions of the report. It is ironic that a publication in the same series co-authored by Jones five years after MSF's withdrawal recommends that NGOs develop a new humanitarian ethic that includes the option of withdrawal or disengagement.[44]

3. IMPLICATIONS

The suggestion of a need for a new humanitarian ethic is interesting to consider in light of the findings of this study. The perceived need for a 'new' approach is premised on the assumption that the context is fraught with new dilemmas, something that this study has shown to be overstated. It is not a 'new' ethic that is needed, but a moral framework that could provide guidance to aid organisations when thinking ethically about humanitarian action. As mentioned in Chapter 1, the Codes of Conduct for humanitarian actors specify principles to which aid organisations should adhere, but provide no indication of how to weigh one principle against another when they conflict. Similarly, recent suggestions that aid organisations countenance the option of withdrawal are made while also asserting the humanitarian imperative.[45] They offer little insight into how to

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41 He cities an MSF statement that said: 'In Bukavu the situation has deteriorated to such an extent that it is now ethically impossible for *Médecins Sans Frontières* to continue aiding and abetting the perpetrators of the Rwandan genocide' that was quoted in *The Glasgow Herald* (Glasgow, 15 November 1994), p. 4. Bruce D. Jones, "'Intervention without Borders": Humanitarian Intervention in Rwanda, 1990-94' *Millenium* 24, No. 2 (1995), pp. 225-249 at fn 60, p. 245.

42 Bruce D. Jones, *Rwanda Report: International NGOs in the Response to the Rwandan Emergency* (London and Toronto: 'NGOs in Complex Emergencies' Project, a Collaborative Project of CARE Canada, the Harrowston Project on Conflict Management, University of Toronto, and the Conflict Analysis and Development Unit, London School of Economics, July 1997), section 2.3.3.

43 The documentation was sent by me after reading the draft report and meeting with Jones in London.

44 Bryans, Jones and Stein, *Mean Times*, pp. 37-41.

45 Bryans, Jones and Stein, *Mean Times*. See also Marc Lindenberg, 'Complex Emergencies and NGOs: The Example of CARE', in Jennifer Leaning, Susan M. Briggs and Lincoln Chen (eds),

reconcile such contradictory values. Without a hierarchy or ordering of principles, they can be engaged to justify any form of action or decision; they do not serve as a constraint to permissible action.

Although this thesis was predominantly concerned with exploring problems facing humanitarian action, the findings have implications for the development of policy guidelines, and how such guidelines should be approached. The Rwandan chapter highlighted two conceptions of ethical evaluation; one that privileged the humanitarian imperative above all else, and one that privileged concern for the consequences of the camps. Most aid organisations subscribed to the former. As a senior official of UNHCR argued:

> We know we are often in a lose-lose situation. But if we leave, however we justify it to ourselves in terms of not collaborating with criminals, what it means on the ground is that we are abandoning the innocent civilian population to its fate. They are in no position to do anything to change their leaders, if they wanted to. It seems to me that what is truly unacceptable – I mean for us, both within the U.N. system and the NGOs- is to abandon them. I believe that morally there is nothing for us to do *except* stay.[46]

Yet the outcome of the Rwandan refugee camps illustrated the negative consequences of honouring the humanitarian imperative at all cost. A more effective moral framework needs to be developed through which competing principles of humanitarian action could be weighed against one another, taking into account the consequences of privileging one principle over another. Humanitarian actors need to assume more responsibility for the consequences of their actions.

How much weight should be given to potential consequences is open to debate. Arguments in favour of only valuing the consequences of humanitarian action could lead to pragmatic approaches in which the ends justify the means, or in which the rules are made up as a relief operation progresses, according to the circumstances. Pragmatism is problematic as a moral framework to guide humanitarian action. Concerned with preserving the dignity of individuals, humanitarian action cannot sanction the use of all means to save life, and consistency is a crucial value to uphold in a moral position. As Neil MacCormack argues: 'whatever be the variations in possible

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Humanitarian Crises: The Medical and Public Health Approach (Cambridge, MA: Harvard University Press, 1999), pp. 211-245.

[46] As cited in Rieff, 'The Humanitarian Trap', p. 9 (emphasis in original).

moral positions which people may have, there are criteria of coherence and consistency of judgements and principles which can be and ought to be applied to anything which claims to be a "moral position", as distinct from mere gut reaction or knee-jerk prejudice'.[47] Rules should also be announced in advance so that all parties understand the basis on which humanitarian action is provided.

Thus neither a rigid adherence to the humanitarian imperative nor a pragmatic approach in which the ends justify the means provides an effective moral framework through which to conduct ethical evaluation. It is evident that the humanitarian imperative and humanitarian principles provide important guidance to humanitarian action, but rather than constituting values that should be honoured in themselves come what may, they may have to be called into question in extreme situations. The principle of impartiality, for example, is an important value to uphold. Adhering to and promulgating it promotes consistency in the application and provision of aid. It cautions against the application of double standards or arbitrariness towards populations or authorities as this might result in accusations of partiality and impede the possibility to operate. Thus the consequences of applying the principle of impartiality to aid operations would in most cases outweigh the consequences of applying divergent standards of treatment and care. Similarly, the humanitarian imperative is an important value to promote to ensure concern among different members of humanity for the welfare and dignity of the other. But these values needs to be weighed against other values in determining which line of action promotes the best overall good. In exceptional circumstances - like that of the Rwandan refugee camps - in which it is humanitarian action itself that is harming those it aims to assist, refusing to subscribe to the humanitarian imperative might promote a better overall consequence for the population. To say 'let humanitarianism prevail should the heavens fall' (*fiat justitia et ruant coeli*[48]) is absurd.

Given the inescapable nature of the paradoxes of aid, humanitarian aid organisations should be aiming to minimise the negative consequences of their action. Reflection and vigilance should be directed towards a form of 'harm minimisation' like that of some programs seeking to help drug addicts: the programs do not attempt to address the addiction, but try merely to avoid some of the deadly concomitants such as overdose or

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[47] Neil MacCormack, *Legal Right and Social Democracy: Essays in Legal and Political Philosophy* (Oxford: Oxford University Press, 1982), p. 129.

infection with human immuno-deficency virus (HIV). Humanitarian actors should ensure that the most rudimentary tasks - like alleviating life-threatening suffering - are undertaken with minimal harm before expanding humanitarian action into peace building or conflict resolution activities. If aid organisations pursue the latter, they are not only likely to increase the negative consequences of humanitarian action, but further exonerate states of their responsibilities in these realms. Aid organisations cannot lament the humanitarian alibi while contributing to it through undertaking state functions. Furthermore, broadening the role and interpretation of humanitarian action is likely to increase its manipulation by political powers as the traditional values and principles on which it stands become eroded.

Applying this framework at a practical level can provide guidance in assessing the potential good versus harm of humanitarian action. Informing authorities of operational standards like those outlined in the Introduction, and applying them consistently to all parties and situations provides a basis on which to operate to minimise the potential negative effects of aid. Such standards include the freedom to assess independently the needs of the population; retain unhindered access to the population; conduct, monitor and evaluate the distribution of aid; and obtain security guarantees for expatriate and local personnel, and property. Obtaining agreement to these rudimentary standards would not only increase vigilance over the perverse effects of aid but provide a good indication of the level of respect that local authorities have for aid organisations and concern for the population under their control. Rather than opting for a 'solidarity' approach according to perceptions of the 'justness' of the cause, such criteria provide a more objective tool of evaluation. The aid operation assisting Ethiopian and Eritrean populations through the guerrilla fronts in the 1980s is held up as a model of the 'solidarity' approach to aid, not because of the justice of the fight against the Mengistu regime per se, but because of the responsibility and concern the guerrillas showed for the civilian populations under their control. Aid organisations knew that although aid fed soldiers, it also reached the civilian population for which it was intended. By the same token, the refusal of the regime in Phnom Penh to agree to any of these operational standards in the early 1980s should have warned aid organisations of the indifference it held towards the Cambodian people.

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[48] Literally translated means 'let justice prevail, should the heavens fall'.

Of course not all of these operational standards may be successfully negotiated: security guarantees might be tenuous because of armed conflict, or local authorities might insist that 'minders' accompany aid organisations when conducting surveys and evaluations. Respect for some standards needs to be weighed against the non-respect of others, and decisions of the relative good or harm of aid judged accordingly. But a bottom line of acceptable compromise needs to be established in order to ensure that the negative effects of aid do not outweigh the good. The predominant view among aid agencies about the indispensability of aid has skewed the weight of the humanitarian imperative in considerations of the most appropriate action to pursue. Once this assumption is questioned, aid agencies can consider circumstances in which the best approach might be to withdraw. Claims that potential consequences of relief operations cannot be predicted are flawed; the thesis has shown the similarities of the paradoxes of humanitarian action between several cases, and highlighted some of the aspects on which aid agencies must focus in order to minimise the perverse effects of assistance. Realising that past experience - even during the Cold War period - is relevant to the contemporary problems facing aid agencies is the first step to addressing them.

Aid organisations and personnel need to be instilled with the need for vigilance about the negative consequences of humanitarian action. In a practical sense, the most obvious way to do this is through training courses and manuals that already exist. The negative consequences of humanitarian action should become a core component of training, given the same prominence as technical subjects. Tools also need to be developed that assist aid personnel to consider the context in which they are operating and conduct ethical evaluation of various courses of action. A form of 'harm-minimisation questionnaire' could assist aid workers identify potential problem areas early during the emergency phase. The questionnaire could include a set of generic questions from broad concerns of geopolitics and regional relations, to power structures within displaced groups and communities. Such a form might help aid workers identify the various factors at work in a particular situation and then measure them against each other, even if, as previously noted, the yardsticks for such measurements are subjective. Raising awareness and reflection at an early stage would enhance vigilance.

In all the self-examination in which the aid industry must engage, it is important to remember that aid organisations do not inherit responsibilities that others have failed to

honour. It is not the humanitarian actors who pull triggers or throw bombs. The ultimate responsibility for human horror lies with those who do, and it is perhaps an important element of vigilance not to accept horror as a given with which humanitarian action must deal. Horror should not be a given. The first response should be militancy against it rather than rescue from its consequences. Humanitarian action cannot be a substitute for political action.

But humanitarian actors also need to enhance their conception of responsibility and refocus on accountability to recipients of humanitarian assistance rather than donors. Part of the 'empowerment' process preached so piously by many NGOs could be to instil a culture of consumer advocacy among populations receiving aid. It would be interesting, for example, to hear the comments of refugees themselves if they were allowed to see the fundraising material by which the public in donor countries is informed of their plight and of the good that humanitarian action is allegedly achieving.

This thesis has shown that humanitarian action is imbued with inherent paradoxes that inevitably lead to some negative consequences, but that these are exacerbated by the behaviour and culture of aid organisations. The paradoxes of humanitarian action will recur and persist, and the most that aid organisations can hope to do is minimise the negative consequences of their action. This inevitability provides an ethical imperative for vigilance in humanitarian action. Humanitarian action will never attain perfection: rather than aiming for a first-best world we must aim for a second-best world and adjust to that accordingly.

Le 26 Sep 1996

APPENDIX 1

ARMEMENT DONT DISPOSE LE FPR

G E N R E	PROVENANCE
I. ARMES INDIVIDUELLES	
- KV AK 47	CHINE, URSS
- R4	R S A
- FAL	OTAN, 290 FAL ont été rétrocédés par le ZAIRE AU RWANDA le 13 Fév 1996 à GISENYI
- 14 X G3	Rétrocédés par le ZAIRE.
II. ARMES SP	
1) Mitrailleuses	
- Mi.50 (nombreuses)	U S A
- Mi 14.7	
- FM	
- MILO	27 ont été rétrocédées par le ZAIRE le 13 Fév 96
- SS 77	R S A, 36 ont été rétrocédées par le ZAIRE.
-MIAA 12.7	CHINE
- M A G	Belgique, 70 ont été rétrocédées par le ZAIRE.
- 292 BREN	Rétrocédées par le ZAIRE le 13 Fév 96.
2) Mortiers	
- Mor 60 mm	CHINE, RSA
- Mor 80 - 81 mm	
- Mor 82 mm	
- Mor 120 mm	dont 3 rétrocédés par le ZAIRE le 13/2/96
- Mor 122 mm	
3) Canons	
- CSR 75 mm	2 ont été rétrocédés par le ZAIRE
- Canon 105 mm	2 ont été rétrocédés par le ZAIRE
- Canon 106 mm	
- Canon 122 mm	2 ont été rétrocédés par le ZAIRE
4) -LR de différentes calibres	Laissées surtout par la MINUAR lors de sa fuite en Avril 1994.
-LRM (KATIOUSHA) 107 mm	Dont 1 rétrocédé par le ZAIRE
III. VEHICULES BLINDES	
- 2 X Véh Bl se trouvent à l'entrée de la forêt de NYUNGWE (Forte barrière)	Rétrocédés par le ZAIRE (?)
- 3 X AML 60 mm	Rétrocédés par le ZAIRE le 13 Fév 1996
	N.B: Un accord de vente de pièces de réchange vient d'être conclu entre la RSA et le Rwenda le 28 Sep 1996.

IV. Le FPR n'a pas d'UTK connue mais plusieurs CHARS ont été observés à la Base US de MULINDI près de KANOMBE.	U S A
V. AVIATION 3 aéronefs dont:	- 2 Héli rétrocédés par le ZAIRE le 13 Fév 96 à GIS à la délég RWANDAISE -1 Héli rétrocédé par le ZAIRE le 3 Avr 96 à KINDU (MANIEMA) au Comd Avn Mil (Maj MUNYURANGABO), transporté à Kgl grâce à l'appui Log de la MINUAR.
VI. D C A (Défense contre les avions) L'APR dispose d'une petite Unité de Déf AA (Air Défense artillery) équipée de quelques missiles SAM 7; d'obus AA genre canon BITUBE 37 mm et des Mi QUADRUPLES 14.5 mm	4 canons BITUBES rétrocédés par le ZAIRE 1 X Mi QUADRUPLE rétrocédée par le ZAIRE.
VII. MARINE - Zodiacs équipés de MAG et de de Mi.50 (pat dans le lac KIVU) - 2 X Vedettes dotées de RADARS de SURVEILLANCE (Pat dans le Lac KIVU)	CANADA (après les combats d'IWAHU)
VIII. ARMES TRADITIONNELLES - Arcs + flèches Des Trg au maniement de ces armes ont été remarqués dans le RUGEZI en Commune BUTARO (RUHENGERI)	Fabrication locale
IX. En plus de tout cet arsenal, le FPR dispose de 4 X DS 47.3 pour le déminage.	U S A

N.B: Chaque Bde dispose de son Unité d'appui feu direct (Direct Support) tandis que les armes d'appui général (general support) sont stockées à KANOMBE (KIGALI) et à MULINDI (BYUMBA, ancien QG du FPR).

APPENDIX 2

CORRIERA

MIL-TEC CORPORATION LIMITED

RAGNAL HOUSE, 18 PEEL ROAD, DOUGLAS-ISLE-OF-MAN

7th DECEMBER 1994.

THE MINISTER OF DEFENSE,
REPUBLIC OF RWANDA,
BUKAVU.
ZAIRE.

YOUR EXCELLENCY,

RE:OUTSTANDING PAYMENT.

We refer to a meeting held in Nairobi on the 5th December 1994 at your Embassy, with His Excellency the Minister of Finance His Excellency the Ambassador to Kenya and Col Kayumba Cyprien.

The meeting was arranged by MIL_TEC, after months of uncertainty and loss of contact due to the current situation in Rwanda and most of all the lack of communication.

Your excellency, as you are well aware, we have been suppliers to your Ministry for over 5 years, and were able to assist you with supplies during your time of need.

We were asked to supply goods in April and May of 1993 (ANNEX 1 AND 2) for which we were promised payment but never paid.

We were approached for very urgent supplies on the 10th of April 94, after the tragic death of His Excellency the President, we received this urgent request from Col Kayumba, Major Tereraho and finally from the, then Minister of Defense Augustin Bizimana, as you will see our first shipment was delivered 8 days later at this time we insisted to the then Minister for the outstanding payment and we were assured these would be paid forthwith, the schedule of our shipments amounts of our invoices and payments received are reflected in our statement (ANNEX 3).

espondence Address: 201 DYKE ROAD, HOVE, E. SUSSEX U.K. TEL: (44) 81-203-1915 FAX: (44) 81-203-1050

CORSERA

payments were made to us from Kigali,Belgium, France and Cairo, we also received 1 payment of 450.000 dollars from one of your suppliers (DYL INVESTMENTS) who was unable to fulfil his delivery commitments to you, but had been paid by your Ministry.

A transfer of U.S.Dollars 578.645.00 was effected from Cairo for our last shipment on 18/7/94, we however never received the payment, we reported this matter to Col Kayumba, Mr.Bizimana and Mr.Zikamabhari of your Cairo Embassy, who informed us that the funds had been blocked in the U.S. We believe the blockade was initiated by the U.S. due to the situation in Rwanda at that time.

It was suggested by some of your officials that the amount of U.S.$ 578,645.00 was received by us, we enclose a confirmation from our Bank (ANNEX 7) we can assure you, that had we received this payment we would not be making any claims for it.

We spoke to Major Tererabo on various occasions, who confirmed to us the receipt of all the goods in good order.

We also believe that we were the only suppliers who successfully supplied your Government with goods, where as your other suppliers did not perform despite having been paid for the goods in question.

As you are aware that the credit given to you is against borrowing from Commercial Banks and as such we have to charge you interest at the rate of 1.25% per month, from the time the money has been outstanding.

You will realize that we have gone out of the way to assist your Ministry in times of need.

Our current and very difficult financial situation has been explained to His Excellency, the Minister of Finance, and we can not express our very serious problems with our Bankers because of this long outstanding of U.S.Dollars 1,708,313.09 as per (ANNEX 3) plus the interest as per (ANNEX 4-5 AND 6).totaling to U.S.Dollars 254,062.90 respectively, making a grand total outstanding of U.S.Dollars 1,962,375.90

Under the circumstance we will be obliged if you would kindly review the above situation urgently and we await your most urgent action and settlement.

May we also add that we are able to assist you in the future if you so require.

Yours sincerely,

FOR AND BEHALF OF:
MIL-TEC CORPORATION LTD.

c.c. HIS EXCELLENCY THE PRIME MINISTER
HIS EXCELLENCY THE MINISTER OF FINANCE
HIS EXCELLENCY THE AMBASSADOR TO KENYA
COL KAYUMBA CYPRIEN
MAJOR TERERAHO CYPRIEN
MR.BIZIMANA AUGUSTIN (FOR INFORMATION)

MTC MIL-TEC CORPORATION LIMITED

RAGNAL HOUSE, 18 PEEL ROAD, DOUGLAS-ISLE-OF-MAN

28th MAY 1993. INVOICE NO:0105.

MINISTRY OF DEFENSE.,
B.P. 23,
KIGALI.
RWANDA.

1.	1,000.000	CARTOUCHES X 5.56mm @ U.S.$ 210 PER 1000		=	210.000.00
2.	177.640	CARTOUCHES X 7.62mm LOOSE @ U.S.$ 310 PER 1000		=	55.068.00
3.	417.220	CARTOUCHES X 7.62mm LINK @ U.S.$ 390 PER 1000		=	162.715.00
4.	40.000	CARTOUCHES X 7.62mm LINK 4 BALL - 1 TRACER @ U.S.$ 390 PER 1000		=	15.600.00
		TOTAL F.O.B.	U.S.$	=	443.383.00
		FREIGHT	U.S.$	=	98.000.00
		INSURANCE	U.S.$	=	8.120.00
		TOTAL C.I.F. KIGALI	U.S.$	=	549.503.00

ORIGIN : ISRAEL

CONTRACT N°: 1626/06.1.9. DATED 11 MAY 1993. AND OUR PRO-FORMA INVOICE N°:MIL/MINADEF/05/93/05 OF 10-05-1993.

FOR & ON BEHALF OF:-

MIL-TEC CORPORATION LTD.

ANNEX 2

MIL-TRA CORPORATION LTD

201 DITTON ROAD
HOUSE
CLASS
U.K.
Tel:(44)(0)753-738535
Fax:(44)(0)753-822614

28th APRIL 1993.

INVOICE NO: 0101

MINISTRY OF DEFENSE
B.P. 23
KIGALI
RWANDA

500 ONLY ACCUS CD N1 - 1,2V, 7Ah @ FF: 421 = 210.500.00

TOTAL C.I.F. KIGALI FRENCH FRANCS = 210.500.00

ORIGIN : E.E.C.

PAYMENT: UPON RECIEPT OF GOODS IN KIGALI.

FOR & ON BEHALF OF: -

MIL-TRA CORPORATION LTD.

ANNEX 3

MTC MIL-TEC CORPORATION LIMITED

RAGNAL HOUSE, 18 PEEL ROAD, DOUGLAS-ISLE-OF-MAN

THE HON.MINISTER.,
MINISTRY OF DEFENSE,
BUKAVU,
ZAIRE.

STATEMENT
. U.S.DOLLARS

FLIGHT N°	FLIGHT DATE	TRANSACTION NUMBER	INVOICE AMOUNT U.S.$	PAYMENT RECEIVED US$	BALANCE U.S.DOLLARS.
1	18.04.94	INVOICE	853.731.00		
		PAYMENT		1.265.500.00	
2	25.04.94	INVOICE	681.200.00		
		INVOICE	56.000.00		
		PAYMENT		667.000.00	
		PAYMENT		596.000.00	
3	03.05.94	INVOICE	942.680.00		
		PAYMENT		450.000.00	
		PAYMENT		130.000.00	
4	09.05.94	INVOICE	1023.840.00		
5	PREVIOUS	INVOICE	549.503.00		
6	PREVIOUS	INVOICE	511.415.09	(EQUIVALENT TO FF:2.710.500)	
7	20.05.94	INVOICE	1074.549.00		
		PAYMENT		500.000.00	
		PAYMENT		523.500.00	
		PAYMENT		500.000.00	
8	18.07.94	INVOICE	753.645.00		
		PAYMENT		175.000.00	
		INVOICE	68.750.00		
			6.515.313.09	4.807.000.00	1.708.313.09
			U.S.DOLLARS	BALANCE DUE	1.708.313.09.

PLEASE PAY OVERDUE BALANCE IMMEDIATELY

CORSERA

ANNEX 4

U.S. DOLLAR INTEREST CALCULATION
OUTSTANDING AMOUNT U.S. 549503.00
RATE OF INTEREST 1.25% PER MONTH.

	AMOUNT	INTEREST	TOTAL
28/MAY/1993-	549503.00	6868.79	556371.78
28/JUNE/1993	556371.78	6954.65	563326.42
28/JULY/1993	563326.42	7041.58	570368.00
28/AUG/1993	570368.00	7129.60	577497.60
28/SEPT/1993	577497.60	7218.72	584716.32
28/OCT/1993	584716.32	7308.95	592025.27
28/NOV/1993	592025.27	7400.32	599425.58
28/DEC/1993	599425.58	7492.82	606918.39
28/JAN/1994	606918.39	7586.48	614504.86
28/FEB/1994	614504.86	7681.31	622186.17
28/MAR/1994	622186.17	7777.33	629963.49
28/APR/1994	629963.49	7874.54	637838.03
28/MAY/1994	637838.03	7972.98	645811.00
28/JUNE/1994	645811.00	8072.64	653883.63
28/JUL/1994	653883.63	8173.55	662057.17
28/AUG/1994	662057.17	8275.71	670332.88
28/SEPT/1004	670332.88	8379.16	678712.04
28/OCT/1994	678712.04	8483.30	687195.94
28/NOV/1994	687195.94		

TOTAL INTERST OUTSTANDING AS AT 28/NOV/1994 U.S. DOLLARS 137693.03

ANNEX 5

U.S. DOLLAR INTEREST CALCULATION
PRICIPAL AMOUNT 2,710,500 FRENCH FRANCS
AT EXCHANGE RATE 5.3 OFF TO 1 U.S. DOLLAR
OUTSTANDING AMOUNT U.S. DOLLAR 511415.09
RATE OF INTEREST 1.25% PER MONTH.

	AMOUNT	INTEREST	TOTAL
1/12/93	511415.09	6392.69	517807.77
1/1/94	517807.77	6472.59	524280.36
1/2/94	524280.36	6553.51	530833.86
1/3/94	530833.86	6635.42	537469.28
1/4/94	537469.28	6718.37	544187.64
1/5/94	544187.64	6802.35	550989.98
1/6/94	550989.98	6887.38	557877.35
1/7/94	557877.35	6973.47	564850.81
1/8/94	564850.81	7060.64	571911.44
1/10/94	571911.44	7148.89	579060.33
1/11/94	579060.33	7238.25	586298.58
1/12/94	586298.58		

TOTAL INTERST AS AT 1/12/94
U.S. DOLLARS 74883.56

ANNEX 6

U.S. DOLLAR INTEREST CALCULATION
OUTSTANDING AMOUNT U.S. 647395.00
RATE OF INTEREST 1.25% PERMONTH.

	AMOUNT	INTEREST	TOTAL
18/07/94	647395.00	8092.44	655487.43
18/08/94	655487.43	8193.59	663681.02
18/09/94	663681.02	8296.01	671977.03
18/10/94	671977.03	8399.71	680376.74
18/11/94	680376.74	8504.71	688881.44
18/12/94	688881.44		

TOTAL INTEREST OUTSTANDING
AS AT 18/12/94 U.S.DOLLARS 41486.46

National Westminster Bank

Kilburn Branch
74 Kilburn High Road
London NW6 4HU

Telephone 071-624 4822
Facsimile 071-372 7663

Your ref: 039853/CSE001/MF/230

Our ref:

Date: 11 November 1994

Mil-Tec Corporation Limited
c/o Mr Rajpar
Ragnall House
18 Peel Road
DOUGLAS
Isle Of Man

Dear Sir

Re: Mil-tec Corporation Limited

Further to your meeting with Mr Pugh on the 7th November, I write to confirm that we have not received the sum of $578,645.00 from Cairo.

I trust this is satisfactory but if I can be of any further assistance, please do not hesitate to contact me at this office.

Yours faithfully

MFranklin

Foreign Business Officer
Mrs M Franklin

REPUBLIQUE RWANDAISE

MINISTERE DE LA DEFENSE NATIONALE
ARMEE RWANDAISE
ETAT-MAJOR

MUGUNGA, le 11 Octobre 19[illegible]

APPENDIX 3

Au Comd FAR
Info : Comd Bde 2 Div (Tous)

OBJET : C.C.C

1. La première période de cours C.C.C est programmée du ~~25~~ 23 au ~~31~~ 29 Oct 95 pour les 23-24 et 25 Bde.

2. Le nombre de candidats est ± 80 dont la ½ se trouve à KATALE-KAMINDO. Pour des raisons pratiques une classe sera organisée à KATALE et une autre à MUGUNGA. Les candidats de KIBUMBA feront partie de la classe de MUGUNGA. Pour MUGUNGA l'endroit du cours est BULENGO tandis que le Comd 24 Bde déterminera lui-même l'endroit convenable à KATALE.

3. Les matières suivantes seront dispensées :
   - La politique
   - Les causes de la défaite
   - L'idéologie
   - Le leadership (psychologie du Combattant)
   - La guerilla (OPS guerilla - la vie dans la clandestinité)
   - OPS spéciales (Raid-embuscade-contrôle de zone
   - Recherche Rens
   - Utilisation du Cn

4. Nous demandons votre intervention pour disponibiliser les moyens suivants :
   - Les cahiers (± 200)
   - Logement à BULENGO pour 15 personnes de KIBUMBA du ~~24~~ 22 AU ~~31~~ 29 Octobre 1995 ainsi que leur alimentation évaluée approximativement comme suit ; (2 x repas par jour et 3 repas de viande) 80 Kg de haricot - 36 Kg de [illegible] 128 Kg de pomme de terre - 12 Kg de viande - ingrédients + légumes (non évalués)
   - Moyen de Tpt : 1 x MINIBUS pour assurer déplacement candidats de MUGUNGA à BULENGO chaque jour (aller-retour).

.../...

- 2 -

La 25 Bde fournira 1 x Ctte pour la même mission.

Les candidats de KIBUMBA se déplaceront par BU 2 Div à l'aller comme au retour. (Arrivé à MUGUNGA le ~~24~~ 22 Oct 95, départ le ~~01 Nov~~ 30 oct 95).

- Une bouteille par candidat à la clôture de la période soit 85 bouteilles.

5. Vous trouverez en annexe le CANEVAS des cours. Je vous demanderais de libérer les Maj NTILIKINA et ~~RWAGAKINGA~~ Lt-Col Rwagakingo retenus pour donner respectivement le cours d'utilisation du Gn et le cours d'~~idéologie~~ de guérilla.

RENZARO Tharcisse
Col i.G
Cmd 2 Div

C A N E V A S

Date heure	Matières	Instructeurs classe MUGUNGA	Classe KATALE
Lundi ~~23~~ 33 Oct 0800-0900B	Ouverture	Offr IC 2 Div	Comd 2 Div
0920-1120B	Politique	Lt Col NKUNDIYE	Maj [illegible]
1130-1300B	Cause de la défaite	Maj BARAHWERUKANA	~~Maj [illegible]~~ Maj [illegible]
Mardi ~~24~~ Oct 0800-1300B	Idéologie	Maj HAGUMA	Maj NTAMAGEZO
Mercredi ~~25~~ Oct 0800-1300B	Leadership	Maj MUHUMULIZA	Lt Col [illegible] KWARAKABIJE
Jeudi ~~26~~ Oct 0800-1300B	Guérilla	Lt Col BIVUGAMAGAJO	Maj NGENDAHIMANA
Vendredi ~~27~~ Oct 0800-1300B	OPS Spec	Maj KARENGYA	Maj TULIKUNKIKO
Samedi ~~28~~ Oct 0800-1000B	Utilisation du Cn	Maj NTILIKINA	AC NKULIYINGOMA
1010-1300B	Recherche du Renseignement	Maj BARARWEREKANA	Maj NTAMAGEZO
Dimanche ~~29~~ Oct 0800-1100B	Test (1 x question par matière)	Comdt 25 Bde	Comdt 24 Bde
1100-1200B	Clôture	Comd 2 Div	Offr IC 2 Div

APPENDIX 4

REPUBLIQUE RWANDAISE

PROJET : STATUTS DU FRONT DEMOCRATIQUE RWANDAIS

I. DU FRONT DEMOCRATIQUE RWANDAIS

Article 1
Il est créé une ~~Mouvement~~ organisation socio-politique ~~Politique~~ dénommée "Front Démocratique Rwandais" en abrégé : (FRODERWA).

Article 2
Les buts poursuivis par le FRODERWA sont :
a. organiser les réfugiés rwandais en vue de leur retour ~~au pays~~ en dignité et la sécurité au Rwanda.

b. lutter pour la Démocratie, le respect des Droits de l'Homme et la Justice Sociale au Rwanda.

b. Amener le peuple rwandais à prendre conscience de son rôle dans l'attribution et l'exercice du pouvoir.

d. Stimuler les efforts du peuple rwandais en vue de la Reconciliation Reconstruction Nationale, et le progrès socio-économique au Rwanda.

Article 3
Le FRODERWA a pour Devise:
SOLIDARITE - ~~PAIX~~ justice - DEMOCRATIE.

Article 4
Le Drapeau du FRODERWA est constitué de Gauche à Droite par les couleurs ROUGE et BLANC signifiant lutte ~~pour la~~ et VERT ~~Paix~~ et espoir.

Article 5
Le siège du FRODERWA est établi provisoirement au "ZAIRE". ~~Il peut être transféré en tout autre endroit en un lieu décidé par le Président après avis conforme du Congrès du FRONT.~~ Sa décision est prise par l'assemblée générale.

Article 6
Les moyens d'action du FRODERWA sont notamment :
- L'organisation des réunions, conférences, séminaires et congrès.
- ~~La publication des revues, journaux et des dépliants de toutes sortes~~ l'utilisation des médias
- La constitution d'un budget
- Le maintien de la cohésion des rwandais
- L'encadrement du peuple.
- ~~La formation de la jeunesse l'éducation de~~
- ~~L'organisation d'une force armée pour libérer le pays~~.

Article 7
Grâce à ses structures et cadres, le FRODERWA:
- Détermine, enseigne et interprète sa doctrine politique.
- Eduque, sensibilise et maintient la cohésion de ses membres.
- Assure [illegible] jouissant de la confiance [illegible] ayant fait ses preuves.

- Adapte ses méthodes d'actions et ses enseignements et sa doctrine à l'évolution.

II. DES MEMBRES DU FRODERWA

Article 9

Tout Rwandais est libre d'adhérer au FRODERWA. Les membres doivent se conformer aux statuts et Règlements du FRODERWA.

Article 9

Tout membre du FRODERWA a le droit d'élire, et d'être élu aux organes dirigeants dans les conditions déterminées par les statuts, Règlements et Instructions du FRODERWA.

Article 10

Les Etrangers peuvent être membres sympathisants. Est considéré comme membre sympathisant, tout étranger qui soutient le FRODERWA et apporte une contribution appréciable à la réalisation des objectifs du FRODERWA.

Les membres fondateurs - membres d'honneurs - adhérants

III. DES ORGANES CENTRAUX DU FRODERWA

Article 11

Les Organes Centraux du FRODERWA sont :

1° Le Bureau exécutif

2° L'Assemblée Générale. Comité Directeur

3° Le Comité Directeur. Congrès

Article 12

Le Bureau exécutif du FRODERWA est l'organe exécutif. La direction du Bureau exécutif du FRODERWA est assurée par un Président qui représente le FRODERWA et qui en est responsable devant ses membres. Il convoque l'Assemblée Générale et le Comité Directeur et préside leurs séances. En cas d'absence ou d'empêchement, les réunions sont présidées par le 1er Vice président du FRODERWA.

Le Président du FRODERWA oriente et contrôle tous les Organes. Il nomme et révoque le Secrétaire Général et les membres du Comité Directeur. Il préside les Conseillers à la Présidence.

Article 13

Article 14

Le Président du FRODERWA est élu par le congrès pour un mandat de 4 ans renouvelable à la majorité absolue des membres du Congrès.

En cas de vacance du Président par décès, démission ou pour tout autre cause de cessation de fonctions, les fonctions du Président sont assumés provisoirement par le 1er Vice président qui convoque le Congrès pour les élections d'un autre Président dans un délais de 60 jours qui suivent l'ouverture de la vacance.

Lorsque le Président et le 1er Vice président se trouvent simultanément dans l'un des cas prévus ci-dessus les fonctions du Président provisoirement exercés par le

2e Vice président
~~Secrétaire~~ du ~~Comité Directeur~~. Le Nouveau Président est désigné suivant la procédure prévu dans le présent article.

Article 14 Le Congrès
L'~~Assemblée Générale~~ est composée :
- 1° Des membres du Comité Directeur
- 2° Des ~~présidents~~ Comités de Secteurs

Article 15 le congrès est l'organe suprême
L'~~Assemblée Générale~~, se réunit une fois ~~tous les six mois~~ par an en session ordinaire par convocation du Président qui contient l'ordre du jour est communiqué aux membres de ~~l'assemblée~~ congrès deux semaine avant la date de la réunion et sous pli confidentiel.

Article 16
L'~~Assemblée Générale~~ se prononce sur tous les problèmes concernant les FRODERWA. Il a notamment pour rôle principale de :
a. Adopter le Rapport du Comité Directeur
b. Fixer au moyen des Manifeste le programme d'action du FRODERWA
c. Elire ~~et suspendre~~ le Président du FRODERWA et les autres membres du Comité Directe
d. Arrêter ~~et amender~~ les Statuts et Règlements du FRODERWA
e. Dissoudre les ~~Organes des Secteurs Centraux~~ l'Organisation à la majorité
f. Prendre toutes résolutions ~~sur les questions d'ordre politique~~ dans tous les domaines.

Article 17 Le Congrès
L'~~Assemblée Générale~~ peut être convoqué à tout moment en session extraordinaire par le Président ou ~~2/3~~ FRODERWA. Il examine uniquement les points inscrits à l'ordre du jour contenu dans l'acte de convocation.

Article 18 Congrès
L'~~Assemblée Générale~~ adopte ses résolutions à la majorité ~~des 2/3~~ des membres présents. Le quorum pour ~~siéger~~ délibérer valablement est de 2/3.

Article 19
Le Comité DIRECTEUR est composé :
a. Du ~~Bureau~~ Exécutif
b. ~~Du Secrétaire Général~~
c. ~~Du Trésorier du FRODERWA~~
d. Des ~~6~~ présidents des commissions

Article 20
Tous les membres du Comité Directeur sont élus par ~~l'Assemblée Générale~~. le congrès.

Article 21
Sous la conduite du Président, le Comité Directeur dirige la Politique du FRODERWA et arrête son budget du FRODERWA.

Article 22
Le Comité Directeur se réunit tous les Trois mois en session ordinaire. Il peut être convoqué en sessions

extraordinaires aussi exigent que les circonstances l'exigent.

Article 22 : Les Commissions dont il est question à l'article 15.

19 Le Comité Directeur comprend 4 Commissions:
- Commission Politique
- Commission Patrimoine et Finances
- Commission Sociale
- Commission des affaires juridiques
- Commission de Relations Extérieure – commission information & Propaga

Les membres des 4 Commissions sont choisit par le Comité Directeur.

Article 23

20 a. La Commission Politique traite des Affaires Politiques, Administratives, disciplinaires et des questions relatives à l'idéologie, à la sécurité et à l'idéologie.

b. La Commission de Patrimoine et des Finances traite des Affaires Financières, Economique et de Budget.

c. La Commission Sociale traite des affaires Sociales, éducationnel Culturelle, et de la Santé.

d. La Commission juridique traite des affaires Juridiques et du Contentieux.

e. La Commission de relations extérieures traite des affaires de relation diplomatiques et de la presse et de l'information et de la Coopération

traite des affaires tout des crédits - Renseignt des Relations avec la presse

Article 24 IV : DES ORGANES DE SECTEUR

26 Les Organes de Secteur sont :
1° Congrès de Secteur
2° Le Comité de Secteur
3° LE

Article 25

Le Congrès de Secteur examine toutes les questions lui soumis par ses membres et se prononce sur le bilan des réalisations et l'évolution du FRODEBWA dans le Secteur sur tout les plans politique, économique, social et culture.

Article 26 1

Le Congrès de Secteur, composée des tous les membres des Comités de Secteur élit en son sein le Comité de Secteur de 5 membres.

Article 28 29

Le Comité de Secteur est composé d'un Président, du Secrétaire et d'un Trésorier et membres. 25V

Article 29

Le Comité de Secteur est l'organe exécutif du Congrès de Secteur. Il veille à l'exécution des directives de Comité Exécutif il traite toutes les questions intéressant l'Organisation du Secteur sur le plan politique, économique, social et culturel et fait rapport dans

Bureau Exécutif

Il peut de sa propre initiative, étudier toutes les questions qui se posent au FRODERWA sur tous les plans, proposer au Comité Directeur toute mesure de nature à améliorer le fonctionnement et l'efficacité du FRODERWA, orienter et contrôler les activités des FRODERWA Fraternels.

→ Les Présidents des comités de Secteur d'une région se réunissent sous la présidence du FRODERWA pour le Secteur en son sein - UN Coordinateur et un coordinateur adjoint chargé d'assurer la coordination harmonisation des actions de la région

Art 32 Les régions

1. Au ZAIRE : Secteurs - GOMA - BUKAVU - UVIRA - KINSHASA

2. Au KENYA Secteurs NAIROBI - BENACO - NGORA - NGOZI - GISOR

3. Au CAMEROUN Secteurs -YAOUNDE

4. Au RWANDA Secteurs - KIGALI - GITARAMA - BUTARE - GIKONGORO - CYANGUGU - KIBUYE - GISENYI - RUHENGERI - BYUMBA - KIBUNGO - KIGALI-VILLE

En TANZANIE Secteurs :

En BELGIQUE Secteurs - BRUXELLES - Paris - BONN - TOKYO

En FRANCE Secteurs - PARIS

Aux Amériques Secteurs - WASHINGTON - QUEBEC

Le Président du Comité du Secteur est automatiquement le Porte-Parole du FRODERWA dans le Secteur.

Article 34 Les camps de réfugiés là où ils existent constituent des Cellules. Le comité de cellule est composé d'un président d'un responsable de camp d'un vice président d'un secrétaire et d'un Trésorier élu par les membres de la cellule.

IV. DES RELATIONS EXTERIEURES

Article 35

Le FRODERWA peut devenir membre d'un MOUVEMENT INTERNATIONAL ou DECIDER de collaborer avec des Mouvements étrangers.

Le Président peut pour le compte et dans l'intérêt du FRODERWA établir toute relation avec les Mouvements étrangers

VI DU PATRIMOINE DU FRODERWA

Commission : Mol BAGOSORA Projet de statuts Maj Ktaph tz jurid de son choix

6

Article 32
Les avoirs du FRODERWA sont constitués par :
- Ses biens propres
- Les cotisations
- Le Produit de la vente du Matériel
- Les dons et legs
- ~~Les biens du Gouvernement de Exil~~.

Article 33
La Perception, la gestion et ~~le contrôle financiers~~ sont assurés par la Commission financière ~~désignée par le Président du~~ du patrimoine et des finances.

Art 38 Le contrôle financier est assuré par 3 commissaires aux Comptes élus par le Congrès pour un mandat d'un an renouvelable.

VII. DE LA DISCIPLINE

Article 34
Les fautes disciplinaires sont :
- Les préjudices portés aux intérêts du Front ainsi que la violation et la déviation de ses principes tels que définis par les manifestes du Front.
- Tous les actes contraires aux statuts et règlement.

Article 35
Un membre reconnu coupable fait l'objet de sanction dans les conditions déterminées par le Règlement Intérieur.

~~Les décisions d'un conseil de discipline sont susceptibles d'appel devant le Congrès~~

Fait à COM. le

VII. Des dispositions finales

Les Signataires

Mugunga, le 30 Septembre 1995

APPENDIX 5

RAPPORT DE GESTION FINANCIERE DE LA COMMISSION DU PATRIMOINE DE LA COMMUNAUTE RWANDAISE EN EXIL AU NORD-KIVU

1. QUELQUES CONSIDERATIONS UTILES

a. Ce rapport concerne la période allant du 14 Avril au 30 Septembre 1995, période pour laquelle j'exerce la fonction de Trésorier de la Commission du Patrimoine.

b. Il y a lieu de signaler qu'aucune remise-reprise n'a été effectuée entre Mr MUTEMBEREZI Pierre Claver, Trésorier sortant et moi-même en date du 14/4/95. D'ailleurs, Mr MUTEMBEREZI a disparu depuis cette date sans laisser de traces avec un détournement de 15.431 $US non encore récupérés jusqu'à présent. Mr HIGIRO Léonidas, actuel Président de la Commission du Patrimoine à partir du 14/04/95, doit également 165 $US envers la caisse, somme à sa charge durant la Présidence de la Commission du Patrimoine par Mr MUTEMBEREZI.

c. Un cahier, sorte de livre de caisse à la disposition du Trésorier, sert à l'enregistrement des recettes et des dépenses et chaque opération effectuée porte un numéro d'ordre. Exemple: 001/D/95 pour les opérations de dépenses; 001/R/95 pour celles de recettes pour Exercice 1995.

d. Ce rapport présente les opérations comptables par mensualité et un tableau synthétique est fourni à la fin.

e. Il y a à déplorer l'absence de mécanisme de contrôle financier au sein de la Commission du Patrimoine. L'argent, c'est la confiance; mais jusqu'où peut aller cette confiance lorsque l'argent appartient à toute une Communauté?

2. RECETTES ET DEPENSES REALISEES DU 14/04/95 AU 30 SEPTEMBRE 1995

a. Mois d'Avril 1995

1. RECETTES

POSTE	DATES	L I B E L L E	MONTANT ($)	SOMME CUMULEE ($)
001/R/95	26/4	Produit locstion Bus A9225 Chez GOAL	2.530	2.530
2. DEPENSES				
001/D/95	26/4	Frais Taxi à NSANZABAGANWA	120	120
002/D/95	26/4	Charges Bus A9225	600	720
003/D/95	"	F.R. à KIBUMBA	07	727
004/D/95	"	F.R. à KIBUMBA	10	737
005/D/95	"	F.R. à TWAGIRAYEZU Laurent	10	747
006/D/95	"	F.R. à KIBUMBA	25	772
007/D/95	"	Remboursement RWAJEKARE	64	836
008/D/95	"	Frais Taxi NSANZABAGANWA	20	856
009/D/95	28/4	Remboursement ONATRACOM	67	923
010/D/95	29/4	Prime chauffeur NSHIMIYIMANA	40	963
011/D/9R	"	Prime chauffeur MUGABO	40	1.003
013/D/95	26/4	Avance Perdiems	1.350	2.353
014/D/95	30/4	F.R. à KIBUMBA	11,5	2.364,5
015/D/95	"	Achat d'un cachet Commissipn P.	20	2.384,5
017/D/95	"	Rapport au Portier chez GOAL	10	2.394,5

3. SOLDE: 2.530 $ - 2.394,50 $ = 135,50 $.

.../...

b. MOIS DE MAI 1995				
1. RECETTES				
002/R/95	16/5	Produit location Bus A9225 chez GOAL	1.200	1.200
003/R/95	29/5	" " " " " "	1.250	2.450
2. DEPENSES				
012/D/95	01/5	Prime chauffeur RUMBEKI	40	40
016/D/95	"	Achat matériel de bureau	10	50
018/D/95	03/5	F.R. MUGUNGA	26	76
019/D/95	06/5	Prime MBAGOROZIKI L.	10	86
020/D/95	09/5	Achat d'un registre	10	96
021/D/95	13/5	F.R. à MUGUNGA	13	109
022/D/95	17/5	Achat cahier du Trésorier	05	114
023/D/95	"	Avance perdiems	575	689
024/D/95	05/5	F.R. Dossier MUTEMBEREZI	40	729
025/D/95	04/5	Investigations CAME 1513	05	734
026/D/95	25/5	F.R. Contact à la 4° REGION MILITAIRE	35	769
027/D/95	16/5	F.R. Dossier MUTEMBEREZI	21	790
028/D/95	23/5	Investigations sur véhicule CNFR par MBAGOROZIKI	50	840
029/D/95	16/5	Rapport Col KUSIKUSA	300	1.140
030/D/95	24/5	Achat d'un registre	10	1.150
031/D/95	18/5	F.R. à MUGUNGA	18,5	1.168,5
032/D/95	09/5	F.R. à MUGUNGA	11	1.179,5
033/D/95	24/5	F.R. à KIBUMBA	12	1.191,5
034/D/95	29/5	Rapport à la G.C. de GOMA	500	1.691,5
035/D/95	"	Frais négociation dossier Bus A9224	110	1.801,5
036/D/95	31/5	Achat matériel de bureau	20	1.821,5
037/D/95	"	Rapport Salle de réunion à KIBUMBA	05	1.826,5
039/D/95	"	F.R. à KIBUMBA	13	1.839,5
3. SOLDE : 2.450 $ - 1.839,50 $ = 610,50 $				
c. MOIS DE JUIN 1995				
1. RECETTES				
004/R/95	27/6	Produit location Bus A9225 chez GOAL	1.700	1.700
2. DEPENSES				
038/D/95	07/6	Prime de dactylographie	20	20
040/D/95	08/6/	Charges Bus A9225	124	144
041/D/95	09/6	Achat Pièces de rechange Bus A9225	312	456
042/D/95	09/6	Frais de photocopie	08	464
043/D/95	02/6	Frais d'essence CTTETS	10	474
044/D/95	14/6	Frais photocopie dossier pr KINSHASA	20	494
045/D/95	21/6	F.R. Visite C.Z.S.C.	28	522
046/D/95	23/6	Achat matériel de bureau	10	532
047/D/95	28/6	F.R. dans la recherche d'un local pour les travaux de la Commission du Patrimoine	08,5	540,5
048/D/95	28/6	F.R. à MUGUNGA	18,5	559,0
049/D/95	29/6	Rapport aux Autorités Zaïroises	500	1.059
050/D/95	"	Frais négociation pour la réduction de Taxe à la contribution	100	1.159
051/D/95	"	Charges Bus A9225	100	1.259
3. SOLDE : 1.700 $ - 1.259 $ = 441 $.				

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d. MOIS DE JUILLET 1995

1. RECETTES

005/R/95	21/7	Produit de location Bus A9225	1.211	1.211
006/R/95	29/7	Produit de vente d'une Jeep SUZUKI à KIBUMBA	1.800	3.011
007/R/95	31/7	Produit location Bus A9225	1.140	4.151
008/R/95	31/7	Produit de vente CAME1513,		
		- 1ère avance	3.000	7.151
		- 2ème avance Ca Kitombi	495	7.646

2. DEPENSES

052/D/95	03/7	Expédition du Courrier à KINSHASA	20	20
053/D/95	04/7	F.R. à KATALE	10	30
054/D/95	05/7	F.R. à KIBUMBA	12	42
055/D/95	21/7	Frais de taxi	40	82
056/D/95	21/7	F.R. payés à SEKABUGA F.	20	102
057/D/95	"	Prime à un expert pour R.O.I./C.P.	66	168
058/D/95	"	Charges Bus A9225	30	198
059/D/95	"	Frais entretien Bus A9225	55	253
060/D/95	"	F.R. à MUGUNGA	08	261
061/D/95	22/7	F.R. à KIBUMBA	16,5	277,5
062/D/95	24/7	Versement à l'EM.FAR	2.000	2.277,5
063/D/95	"	Prime de gardiennage Jeep SUZUKI vendue à KIBUMBA	500	2.777,5
064/D/95	06/7	Contact avec clients du CAME 1513	50	2.827,5
065/D/95	10/7	" " " "	40	2.867,5
066/D/95	11/7	Investigations sur CA.MITSU avec CZSC	75	2.942,5
067/D/95	12/7	" "	40	2.982,5
068/D/95	24/7	Visite famille feu MAKOMBE	50	3.032,5
069/D/95	"	Prime à un expert T.M.	50	3.082,5
070/D/95	"	F.R. à MUGUNGA	14	3.096,5
071/D/95	"	Frais entretien Bus A9225	100	3.196,5
072/D/95	26/7	Achat matériel de bureau	124	3.320,5
073/D/95	"	Frais d'essence CTTE TS	10	3.330,5
074/D/95	"	Frais de mission	15	3.345,5
075/D/95	"	F.R. à BULENGO-MUGUNGA	30	3.375,5
076/D/95	30/7	Avance perdiems	1.800	5.175,5
077/D/95	"	Payement perdiems	452,5	5.628,0
078/D/95	"	Payement perdiems	140	5.768
079/D/95	"	Prime de dactylographie	5	5.773
080/D/95	"	Prime à NDAGIJIMANA	75	5.848
081/D/95	"	F.R. contact à l'EM/CZSC	15	5.863
082/D/95	"	Achat Pièces de rechange Bus CZSC	200	6.063
083/D/95	"	Frais mission à BUTEMBO	500	6.563
084/D/95	31/7	Location Taxi	40	6.603

3. SOLDE : 7.646 $ - 6.603 $ = 1.043 $.

e. MOIS D'AOUT 1995

1. RECETTES

009/R/95	16/8	Produit de vente CTTE TOYOTA DYNA Commune NKUMBA	800	800
010/R/95	"	Produit de vente CTTE T. HIACE D.C.	1.000	1.800

2. DEPENSES

085/D/95	02/8	Investigations sur un camion	40	40
086/D/95	05/8	Charges Bus A9225	186	226
087/D/95	06/8	Achat matériel de bureau	30	256

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088/D/95	06/8	Rachat prison BAHEMBERA	300	556
089/D/95	08/8	Frais d'entretien Bus A9225	150	706
090/D/95	09/8	Frais de prison BAHEMBERA	100	806
091/D/95	10/8	Prime à un technicien	30	836
092/D/95	14/8	Versement à l'EM. FAR	804	1.640
093/D/95	16/8	Visite père KANYANKOROTE	40	1.680
094/D/95	16/8	Prime à un indicateur	20	1.700
095/D/95	23/8	Financement Comité de Crise Camp MUGUNGA	200	1.900
096/D/95	24/8	" " "	20	1.920
097/D/95	29/8	" " "	100	2.020

3. SOLDE : 1.800 $ - 2.020 $ = - 220 $

f. MOIS DE SEPTEMBRE 1995

1. RECETTES

011/R/95	14/9	Produit location Bus A9225	1.444	1.444
012/R/95	18/9	Produit de vente du CA.MITSU Benne - 1ère avance	5.000	6.444

2. DEPENSES

098/D/95	01/9	Financement Comité de crise Camp MUGUNGA	100	100
099/D/95	02/9	Contact avec Cdt CZSC Camp MUGUNGA	80	180
100/D/95	05/9	Financement C.C.C.MUGUNGA	100	280
101/D/95	07/9	Financement C.C.C.MUGUNGA	200	480
102/D/95	"	Achat matériel de bureau	35	515
103/D/95	"	" " "	96	611
104/D/95	12/9	Frais de mission	50	661
105/D/95	"	Financement C.C.C.MUGUNGA	100	761
106/D/95	13/9	Rachat prison TERERAHO	300	1.061
107/D/95	15/9	Charges Bus A9225	266	1.327
108/D/95	"	Versement à l'EM.FAR	1.178	2.505
109/D/95	16/9	Frais Commission à GATSINZI	640	3.145
110/D/95	18/9	Faux billet remis à HIGIRO	100	3.245
111/D/95	18/9	Argent emporté par HIGIRO	120	3.365
112/D/95	22/9	Frais de mission à BUTEMBO-BENI	2.500	5.865
113/D/95	20/9	Frais de mission	50	5.915
114/D/95	27/9	Investigations/Pelle Chargeuse	100	6.015
115/D/95	27/9	" " "	20	6.035
116/D/95	28/9	Frais de Commission au Lt NZOLO	160	6.195
117/D/95	28/9	Filature CA.MITSU de MURWANASHYAKA	80	6.275
118/D/95	30/9	Filature pelle-chargeuse	05	6.280
119/D/95	30/9	Filature pelle-chargeuse	30	6.315

3. SOLDE: 6.444 $ - 6.315 = 129 $

3. TABLEAU SYNTHETIQUE DES RECETTES ET DEPENSES

MOIS	RECETTES ($)	DEPENSES ($)	SOLDES ($)
AVRIL 1995	2.530,00	2.394,50	+ 135,50
MAI 1995	2.450,00	1.839,50	+ 610,50
JUIN 1995	1.700,00	1.259,00	+ 441,00
JUILLET 95	7.646,00	6.603,00	+ 1.043,00
AOUT 1995	1.800,00	2.020,00	- 220,00
SEPTEMBRE 95	6.444,00	6.315,00	+ 129,00
TOTAUX:	22.570,00	20.431,00	+ 2.139,00

4. RELEVE DES DETTES ENVERS LA TRESORERIE *Appendix 5* 319

HIGIRO Léonidas	:	120 $	- lors de la vente du CA.MITSUBISHI à KATALE
	:	100 $	- faux billet gardé lors de la même vente
	:	100 $	- faux billet lui remis pour échange par AFRIKA Alexi
	:	300 $	- faux billets lui remis pour échange/IYAMUREMYE G.
	:	40 $	- emprunt
	:	40 $	- frais taxi Août 1995 non justifiés
	:	50 $	- prime agent GOAL non justifiée
	:	4 $	- transport non justifié
		754 $	
TWAGIRAYEZU Materne	:	50 $	- emprunt
BAHEMBERA Célestin	:	50 $	- "
HABYARIMANA J.B.	:	20 $	- "
HABYARIMANA J.B.	:	20 $	- "
TOTAL DES DETTES	:	894 $	

5. ENCAISSE AU 30 SEPTEMBRE 1995: a) Théorique : 2.139 $
b) Réelle : 2.139 $ - 894 $ = 1.245 $/

6. REMARQUES

a. Le résultat financier relatif à la période considérée est très minime pour pouvoir venir en aide à nos réfugiés.
Le poste "Mission" et les primes diverses engloutissent beaucoup d'argent eu égard aux recettes modérées perçues en dehors de celles émanant du Bus A9225

b. Les produits de vente des véhicules par la Sous-Commission de RUTSHURU dans son ressort restent sous la responsabilité de Mr HIGIRO Léonidas, Président de la Commission du Patrimoine, jusqu'au jour de leur remise au Trésorier de la Commission devant tous les membres de la Commission.

c. Les dettes envers la trésorerie doivent être remboursées sans délais sans quoi les mesures disciplinaires devraient être prises à l'encontre des fautifs.

d. Les maigres résultats financiers enregistrés au cours de la période écoulée devraient nous inciter à redoubler d'efforts pour balayer tous les obstacles qui handicapent l'accomplissement digne et honnête de la mission qui nous est assignée. Le patrimoine à rechercher et à gérer appartient à la Communauté Rwandaise en Exil et à elle seule.

Fait à Mugunga, le 30 Septembre 1995

IYAMUREMYE Gaston

Trésorier de la Commission du Patrimoine.

Mugunga, le 06 Novembre 1995

COMPLEMENT DU RAPPORT DE GESTION FINANCIERE DE LA COMMISSION DU PATRIMOINE RELATIF A LA PERIODE ALLANT DU 01 OCTOBRE AU 06 NOVEMBRE 1995.

1. Le 06/11/1995 correspond à la date à laquelle j'ai présenté ma démission au sein de la Commission du Patrimoine.
2. Les opérations comptables reprises dans le rapport sont celles ordonnées par le Bureau de la Commission du Patrimoine lors de sa séance du 05/11/1995 au Siège de l'ONATRACOM en Exil et exécutées le 06/11/1995.
   Je signale à la Commission du Patrimoine que le 05/11/95, j'ai versé dans la Caisse de Solidarité de la Communauté Rwandaise en Exil une somme minable de Six cents Dollars (600 $US) représentant la moitié de l'encaisse réelle justifiée dans mon précédent rapport.
3. Ordonnancement des recettes et des dépenses

   a) Mois d'Octobre 1995

      1° Recettes = Néant

      2° Dépenses = Néant

      3° Solde = Néant

   b) Mois de Novembre 1995 { 1°) Recettes : Néant ; 2°) Dépenses :

POSTE	DATE	L I B E L L E	MONTANT ($)	SOMME CUMULEE (
120/D/95	05/11	Versement à la Caisse de Solidarité	600	600
121/D/95	06/11	Payement à TERERAHO	50	650
122/D/95	"	Payement à NSENGIYUMVA (F.R.)	15	665
123/D/95	"	Payement à BANDIKURE Sudi	200	865
124/D/95	"	Payement à HABYARIMANA J.B. (F.R.)	20	885
125/D/95	"	Frais de Prison pour SIBOMANA	20	905
126/D/95	"	Frais de transport	32	937
127/D/95	"	Achat 30 l de mazout	13	950
128/D/95	"	Primes Personnel ONATRACOM	144	1.094
129/D/95	"	Prime de dactylographe	64	1.158

   3° Solde = 0 - 1.158 = - 1.158 $.

4. Synthèse de la situation mensuelle comptable du 14/04 au 06/11/1995

M O I S	RECETTES ($)	DEPENSES ($)	SOLDES ($)
AVRIL	2.530,00	2.394,50	+ 135,50
MAI	2.450,00	1.839,50	+ 610,50
JUIN	1.700,00	1.259,00	+ 441,00
JUILLET	7.646,00	6.603,00	+ 1.043,00

.../...

AOUT	1.800,00	2.020,00	-	220,00
SEPTEMBRE	6.444,00	6.315,00	+	129,00
OCTOBRE	0,00	0,00	+	0,00
NOVEMBRE	0,00	1.158,00	-	1.158,00
TOTAUX:	22.570,00	21.589,00	+	981,00

a) Encaisse théorique = 981 $

b) Dettes envers la trésorerie = 894 $

c) Encaisse réelle = 87 $

d) Remarques:

1. Mr HIGIRO Léonidas, Président de la Commission du Patrimoine, n'a jamais versé chez le Trésorier le produit global de ± dix ventes de véhicules effectuées dans la zone de KATALE. Il lui revient donc de présenter son rapport à la Commission du Patrimoine.
2. Il est demandé aux membres de la Commission du Patrimoine ayant contracté une dette envers la trésorerie de la rembourser dans les meilleurs délais.
3. Les remarques reprises dans mon précédent rapport restent toujours valables.

Fait à Mugunga, le 06 Novembre 1995

IYAMUREMYE Gaston

Trésorier de la Commission du Patrimoine,
Démissionnaire

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